



MESSAGES OF THE PRESIDENT CORAZON C. AQUINO

1986-1992

BOOK 11 | VOLUME 5

Administrative Orders



President Corazon C. Aquino, Eleventh President of the Philippines, Second and Last President of the Fourth Republic and First President of the Fifth Republic.



MESSAGES OF THE PRESIDENT

CORAZON C. AQUINO

1986-1992

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Messages of the President Book 11: Corazon C. Aquino

Volume 5

Presidential Communications Development and Strategic Planning Office

<http://www.gov.ph>

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INTRODUCTION

As the President's chief message-crafting body, the Presidential Communications Development and Strategic Planning Office (PCDSPO), is mandated to provide strategic communication leadership and support to the Executive Branch, its composite agencies, and instrumentalities of government.

The PCDSPO is also mandated to act as custodian of the institutional memory of the Office of the President. One of our projects is the continuation of the series of books called the Messages of the President, started in 1936 by Jorge B. Vargas, Executive Secretary to President Manuel L. Quezon. The series was a wide collection of executive issuances, speeches, messages, and other official papers of the President. The volumes were intended to serve as the definitive compilation of presidential documents. The series was continued until the Quirino administration, although the series for the Presidential administrations of Presidents Quezon, Roxas, and Quirino were never completed.

In 2010, President Benigno S. Aquino III ordered the revival of the series and the constitution of a complete set, covering all 15 presidential administrations. With pride, we continue what Vargas began.

We would like to extend our gratitude to our partners for without whose gracious cooperation, this project would have not been possible.

A note on organization: Each presidential administration's messages are in book form, compiled and subdivided into volumes. The books are as follows:

- Book 1: Emilio Aguinaldo
- Book 2: Jose P. Laurel
- Book 3: Manuel L. Quezon
- Book 4: Sergio Osmeña
- Book 5: Manuel Roxas
- Book 6: Elpidio Quirino
- Book 7: Ramon Magsaysay
- Book 8: Carlos P. Garcia
- Book 9: Diosdado Macapagal
- Book 10: Ferdinand E. Marcos
- Book 11: Corazon C. Aquino
- Book 12: Fidel V. Ramos
- Book 13: Joseph Ejercito Estrada
- Book 14: Gloria Macapagal-Arroyo
- Book 15: Benigno S. Aquino III

Each book is subdivided into the following volumes:

- Volume 1: Official Week/Month in Review
 - Volume 2: Appointments and Designations
 - Volume 3: Historical Papers and Documents
 - Volume 4: Executive Orders
 - Volume 5: Administrative Orders
 - Volume 6: Proclamations
-

Volume 7: Other issuances

Volume 8: Cabinet minutes

We hope that this collection will be a useful and vital reference for generations to come.

PREFACE

On July 30, 2010, President Benigno S. Aquino III issued Executive Order No. 4, which effectively renamed what was previously called the Malacañang Museum into the Presidential Museum and Library (PML) and placed it under the supervision and control of the Presidential Communications Development and Strategic Planning Office (PCDSPO). The PML is responsible for preserving, managing, and promoting the history and heritage of the Philippine presidency. It is the principal historical and artistic repository in support of the institution of the presidency, for the benefit of the Republic and the Filipino people. In partnership with the PCDSPO, which has pioneered the publication of the Official Gazette of the Republic of the Philippines as a web archive and information website, the PML has taken this mandate and placed it on the cutting edge of the information age.

Much has been done over the past years, under the administration of President Aquino III, to digitize executive issuances, speeches, letters, and other presidential papers; and publish them online. The project is not limited to a single administration, nor does it discriminate. This collection, published as databases, as well as print and e-publications, includes documents from the presidency of Emilio Aguinaldo to the current Aquino administration. This represents the government's allegiance to transparency, continuity, and the fostering of an informed citizenry, as well as an effort, in earnest, to preserve the institutional memory of the Presidency. All this was done not just for the posterity, but for the current generation and the ongoing task of nation building.

The PML are proud partners of the Official Gazette and PCDSPO team, to whom we made the collections available. We sincerely hope that this series will serve as a vital reference to educators, students, journalists, lawyers, historians, and the public at large.

FOREWORD

This is the fifth volume of President Corazon C. Aquino's official papers, which constitutes the 11th book of the Messages of the President series. The series was started in 1936 by Executive Secretary Jorge B. Vargas, during the first year in office of Manuel L. Quezon, the first President of the Commonwealth of the Philippines. This volume collects President Aquino's Administrative Orders, which relate to particular aspects of governmental operations in pursuance of the President's duties as administrative head of the Executive Department.

BOOK 11

PRESIDENT CORAZON C. AQUINO

President Corazon C. Aquino was the eleventh President of the Philippines and was the second and last President of the Fourth Republic. She was the first female President of the Philippines succeeding the presidency of Ferdinand E. Marcos. Known for leading the People Power Revolution in 1986, which restored democracy in the country, President Corazon C. Aquino assumed office on February 25, 1986, and was President until June 30, 1992.

The Executive Issuances of President Corazon C. Aquino began with Proclamation No. 1, signed on February 25, 1986 and ended with Proclamation No. 932 that was signed on June 29, 1992.

President Corazon C. Aquino's documents were gathered from its official sources such as the Official Gazette of the Philippines; Malacañang Records Office's Book of Executive Issuances; SONA Technical Report; Malacañang Journal; and the Dictatorship and Revolution: Roots of People's Power.

The American Psychological Association (APA) style was used for the citation. The titles that have been provided by the researchers are enclosed in square brackets, considering that the exact wordings and its order were not verbatim from the document being described. Book titles are italicized while the speech titles are not. If in any case that the book title is the same as the title of the speech, it is transcribed in italics because it is the book title.

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President Corazon Aquino meets with Indonesian President Suharto to discuss ways to promote close relations between the two countries and strengthen cooperation within the 19-year-old Association of South East Asian Nation (ASEAN).



MESSAGES OF THE PRESIDENT

CORAZON C. AQUINO

1986-1992

BOOK 11 | VOLUME 5
Administrative Orders



President Corazon C. Aquino in the White House with President Ronald Reagan, March 19, 1989.

ADMINISTRATIVE ORDERS

An Administrative Order relates to particular aspects of governmental operations in pursuance of the President's duties as administrative head of the Executive Department. The Administrative Orders of President Corazon C. Aquino began on July 17, 1986 with Administrative Order No. 1 and ended on June 4, 1992 with Administrative Order No. 289.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 1
CREATING A PRESIDENTIAL FACT-FINDING COMMITTEE TO INVESTIGATE THE MANILA
HOTEL INCIDENT ON JULY 6-8, 1986.

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There is hereby created an ad hoc Presidential Fact-Finding Committee to investigate the Manila Hotel Incident on July 6, 1986, under the supervision and control of the Office of the President.

SECTION 2. The Committee shall be composed of the following:

- | | |
|---------------------------------------|----------|
| 1. Hon. Alfredo Bengzon ----- | Chairman |
| 2. Hon. Rafael Ilete ----- | Member |
| 3. Hon. Jesus de Ayala ----- | Member |
| 4. Hon. Emmanuel Soriano----- | Member |
| 5. Hon. Fulgencio Factoran, Jr. ----- | Member |

SECTION 3. The primary task of the Committee is to investigate all circumstances involving the Manila Hotel Incident on July 6-8, 1986, and thereafter submit its report and recommendations to the President of the Philippines as soon as practicable. The Committee and all persons or personnel appointed, designated or contracted by it shall not be subject to civil service law, rules and regulations. Moreover, membership in the Committee shall not be construed as in conflict with any other public or private position or profession that the members may hold or practice. Members may designate alternates if they cannot attend a particular meeting or meetings of the Committee.

SECTION 4. The Committee shall exercise the following powers:

- a. To administer oaths or affirmations by itself, by a member, or by duly authorized representatives;
- b. To take such testimony and other evidence as it may deem relevant to any investigation conducted by it or under its authority;
- c. To issue subpoenas and subpoenas duces tecum directing any person to attend and testify at any hearing conducted by, or under authority of the Committee, or at any meeting thereof, or for the taking of his deposition, and to bring with him or produce any books, papers, records, documents or other things under his supervision or control, including documents, books or other things that have been classified by government, past or present;
- d. To grant immunity from prosecution to any person whose testimony, or whose possession of documents or other evidence, is necessary or convenient to determine the truth in any investigation conducted by it or under its authority;
- e. To hold any person in direct or indirect contempt, and to impose the appropriate penalties, following the same procedure and penalties provided for in the Rules of Court;

f. To call upon any ministry, bureau, office, or agency of the new government for assistance or reform, which shall forthwith be furnished or accomplished by such government unit; and

g. To adopt the forms, hire the staff, fix their salaries, appropriate the budget, promulgate such rules and regulations and, in general, to do all acts and things as may be necessary or convenient to carry out this order.

SECTION 5. Presidential immunity shall extend to the members and staff of the Committee when acting within their duties, functions, powers and authority. No civil action shall lie against the Committee or any member thereof for anything done or omitted in the discharge of the task contemplated by this Order.

SECTION 6. The Committee is hereby empowered to call upon any ministry, bureau, office, agency or instrumentality of the Government for assistance in the discharge of its functions.

SECTION 7. All expenses of the Committee shall be charged to the Special Activities Fund, subject to the availability of funds and the usual audit.

SECTION 8. This Order shall take effect immediately.

Done in the City of Manila, this 17th day of July, in the year of Our Lord, nineteen hundred and eighty six.

(Sgd.) **CORAZON C. AQUINO**
President of the Philippines

By the President:

(Sgd.) **FULGENCIO S. FACTORAN, JR.**
Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1986). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 2
CREATING A NATIONAL ORGANIZING COMMITTEE TO HANDLE THE
IMPLEMENTATION OF THE 1986 SHIP FOR SOUTHEAST ASIAN YOUTH PROGRAM
(SSEAYP) FOR THE PHILIPPINES

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by the law, do hereby order:

SECTION 1. There is hereby created an ad hoc National Organizing Committee to handle the implementation of the 1986 Ship for Southeast Asian Youth Program under the supervision and control of the Office of the President.

SECTION 2. The Committee shall be composed of a Chairman and ten (10) members to be appointed by the President of the Philippines.

SECTION 3. The Committee shall perform the following functions:

1. Make the necessary preparations and arrangements for the Philippine participation in the 1986 SSEAYP:

- a. Prepare to host the inauguration and opening ceremonies of the SSEAYP.
- b. Coordinate all port of call activities in the Philippines.

2. Organize the Philippine Delegation:

- a. Set the guidelines and criteria for the selection of the delegates.
- b. Supervise the preparation and training of the delegates.
- c. Raise funds for the delegates.

3. Receive and disburse allocated funds for the program, subject to the appropriate accounting and auditing procedures.

4. Have custody of all documents and records pertaining to the program.

5. Negotiate with the private sector for their assistance in the discharge of the NOC-SSEAYP functions.

6. Set all other policies and guidelines for the implementation of the Program.

7. Perform other functions that may be necessary for the successful implementation of the program.

SECTION 4. The Ministry of Education, Culture and Sports, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Tourism, and the Office of Budget and Management shall assist the Committee in organizing and implementing the program. All other government ministries, bureaus, agencies, offices including local governments, are enjoined to extend full support to the National Organizing Committee for the SSEAYP for the successful implementation of the Program.

SECTION 5. This Order shall take effect immediately.

Done in the City of Manila, this 2nd day of August, in the year of Our Lord, nineteen hundred and eighty-six.

(Sgd.) **CORAZON C. AQUINO**
President of the Philippines

By the President:
(Sgd.) **FULGENCIO S. FACTORAN, JR.**
Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1986). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 3

CREATING A COMMITTEE TO DETERMINE THE UTILIZATION/DISPOSITION OF
PHILIPPINE GOVERNMENT PROPERTIES LOCATED IN TOKYO AND KOBE, JAPAN.

WHEREAS, there are determined and serious offers from reliable parties to acquire Philippine Government properties located in Tokyo and Kobe, Japan;

WHEREAS, the government is seriously considering the disposition of one or more of these properties so it can generate much needed foreign exchange to support its economic recovery program.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION I. There is hereby created a Committee which shall have the following functions:

- a) Determine which of the Philippine Government properties are to be retained for Embassy/Consulate purposes and which will be disposed of;
- b) Undertake preliminary studies on whatever requirements are needed in the disposition, including the conduct of preliminary surveys and the engagement of necessary technical and legal services;
- c) Prepare the appropriate form for invitations to bid, stipulate the terms and conditions of such bids, accept bids that are submitted, collate and evaluate such bids; and
- d) Submit periodic reports of its findings and recommendations and the progress of its work.

SECTION II. The Committee shall be composed of the following:

- | | |
|--|------------|
| 1. Executive Secretary or his designate | – Chairman |
| 2. Ministry of Foreign Affairs-to be represented by the Ambassador to Japan. | – Member |
| 3. Chairman, Commission on Audit or his designate | – Member |

SECTION III. The Committee is hereby authorized such expenses as may be necessary for the accomplishment of its tasks chargeable against the Special Activities Funds.

SECTION IV. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 11th day of August, in the year of Our Lord, Nineteen Hundred and Eighty-Six.

(Sgd.) **CORAZON C. AQUINO**
President of the Philippines

By the President:
(Sgd.) **FULGENCIO S. FACTORAN, JR.**
Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1986). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 3-A
MODIFYING THE COMPOSITION OF THE COMMITTEE CHARGED WITH THE
DISPOSITION OF PHILIPPINE GOVERNMENT PROPERTIES LOCATED IN TOKYO
AND KOBE, JAPAN.

SECTION II of Administrative Order No. 3 is hereby modified and shall henceforth read as follows:

- | | |
|---|------------|
| 1. Designate of the Office of the President | – Chairman |
| 2. Designate of the Ministry of Foreign Affairs | – Member |
| 3. Designate of the Commission on Audit | – Member |
| 4. Philippine Ambassador to Japan | – Member |

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 22nd day of August, in the year of Our Lord, Nineteen hundred and Eighty-Six.

(Sgd.) **CORAZON C. AQUINO**
President of the Philippines

By the President:
(Sgd.) **FULGENCIO S. FACTORAN, JR.**
Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1986). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 3-B

SUPPLEMENTING FURTHER THE COMPOSITION OF THE COMMITTEE CHARGED WITH THE DISPOSITION OF THE PHILIPPINE GOVERNMENT PROPERTIES LOCATED AT TOKYO AND KOBE, JAPAN AS STATED IN ADMINISTRATIVE ORDER NOS. 3 AND 3-A, AND OTHER MATTERS.

Sections 2-A and 2-B are hereby added to Section 2 of Administrative Order No. 3-A, the same to read as follows:

Section 2-A. A subcommittee to be composed of the following:

1. The President, Philippine National Bank
2. The Chairman, Development Bank of the Philippines
3. The Administrator, Social Security System
4. The President, Government Service Insurance System
5. The President, Land Bank of the Philippines

is hereby created. They shall determine whether to sell, or to lease, or construct a building on the properties, or determine on whatever manner the properties should be treated that would be most beneficial to the Philippine government and submit their recommendation thereon.

Section 2-B. Hon. Jose Laurel III, former Philippine Ambassador to Japan, is hereby appointed as the representative of the Department of Foreign Affairs in the principal committee. Together with the incumbent Philippine Ambassador to Japan, Hon. Ramon del Rosario, they shall determine in what manner the transaction shall be undertaken taking into account the Japanese laws and Metropolitan Tokyo laws involved. They shall also determine which of the three (3) Tokyo properties should be the subject of study of the subcommittee.

Furthermore, the guidelines in the Memorandum dated 21 October 1986 directing, among other things, that a public bidding should take place; that any taxes, if any, due the Japanese government or to local government and expenses incidental thereto should be shouldered by the winning bidder; shall remain in full force and effect.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 28th day of May, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) JOKER P. ARROYO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 3-C
MODIFYING THE COMPOSITION OF THE COMMITTEE CHARGED WITH THE
DISPOSITION OF PHILIPPINE GOVERNMENT PROPERTIES LOCATED IN TOKYO
AND KOBE, JAPAN.

SECTION II of Administrative Order No. 3 is hereby further modified and shall henceforth read as follows:

- | | |
|---|-----------------|
| 1. Designate of the Office of the President | – Chairman |
| 2. Philippine Ambassador to Japan | – Vice Chairman |
| 3. Designate of the Department of Foreign Affairs | – Member |
| 4. Designate of the Asset Privatization Trust | – Member |

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 4th day of January, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1- 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 3-D
MODIFYING THE COMPOSITION OF THE COMMITTEE CHARGED WITH THE
DISPOSITION OF PHILIPPINE GOVERNMENT PROPERTIES LOCATED IN TOKYO
AND KOBE, JAPAN, AND FOR OTHER PURPOSES

SECTION 1. Section II of Administrative Order No. 3, as amended, is hereby amended to read as follows:

“Section II. The Committee shall be composed of the following:

- | | |
|---|-----------------|
| 1. Designate of the Office of the President | – Chairman |
| 2. Philippine Ambassador to Japan | – Vice Chairman |
| 3. Designate of the Department of Foreign Affairs | – Member |
| 4. Designate of the Asset Privatization Trust | – Member |
| 5. Designate of the Department of Public Works & Highways | – Member |

SEC. 2. A new section to be known as Section II-C is hereby added to Section II of Administrative Order No. 3, as amended, the same to read as follows:

“Section II-C. A Technical Sub-committee on Development is hereby created to be composed of the designate of the Department of Public Works and Highways as Chairman and such members as may be appointed or designated by the Principal Committee. This Sub-committee shall, among others, advise the Principal Committee on the architectural and engineering matters in the development of the Philippine properties in Japan, with the end in view of achieving the maximum utility thereof.”

SEC. 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 28th day of July, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 4
PROVIDING INSTRUCTIONS TO BE FOLLOWED IN THE CONDUCT OF PUBLIC AFFAIRS
DURING THE TIME THAT THE PRESIDENT IS OUTSIDE THE PHILIPPINES.

The following instructions are hereby issued for the conduct of public affairs during the absence of the President from the Philippines:

1. The President of the Philippines shall continue to exercise all the functions of her office as enjoined by the Constitution and the laws, in the same manner as when she is within the national territory. The Executive Secretary, shall, as heretofore, sign all papers that are ordinarily signed by him by or under the authority of the President and shall decide routine matters.

2. Each Minister shall attend to and decide matters which pertain to his Ministry and which under the law he may decide. On those matters which require approval of the President, in case urgent action is needed, such approval shall be obtained by the fastest and more convenient means of communications. On other ministry matters which, although within the jurisdiction of a Minister, are of such importance as to affect the general policies of the Government and, therefore, should be the subject of consultation with the President, the Minister concerned may communicate for such purpose with the President by the fastest and most convenient means of communication.

3. The Cabinet shall hold its regular meetings and shall meet at such other times as may be necessary. The Vice President shall preside over the meetings. Matters which have heretofore been acted upon by the Cabinet shall continue to be considered and decided by the Cabinet: Provided, however, That in the absence of unanimity of opinion on any important question submitted, no decision shall be taken until it shall have been submitted to the President.

4. All official communications to the President shall be transmitted through or by the Executive Secretary.

5. The Vice-President shall represent the President in social functions requiring the presence of the latter and shall preside over official ceremonies, receive and return the official calls of foreign dignitaries in behalf and in representation of the President, and on such occasions the Vice-President shall be entitled to the honors and courtesies due the President of the Philippines.

DONE in the City of Manila, this 12th day of August, in the year of Our Lord, Nineteen Hundred and Eighty-Six.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FULGENCIO S. FACTORAN, JR.

Deputy Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1986). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 5

**CREATING AN AD HOC COMMITTEE TO STRENGTHEN THE CAPABILITY OF THE
GOVERNMENT'S MACHINERY FOR SETTLEMENT OF LABOR DISPUTES IN THE CITIES
AND PROVINCE OF CEBU.**

WHEREAS, the recent changes in the political and economic atmosphere have spawned numerous labor-management disputes in the country, particularly in the province and cities of Cebu;

WHEREAS, the labor problems arising in Cebu are partly caused by its geographical distance from the seat of the Central Government;

WHEREAS, in the settlement of the labor controversies in Cebu, there is a need to bridge this geographical gap to enable the Central Government to act more efficiently and expeditiously;

WHEREAS, in the settlement of these labor problems, there is a need to involve the political leaders in Cebu to assist the National Government in establishing industrial peace as a condition for favorable investment climate;

WHEREAS, the incidence of labor disputes in Cebu could be avoided by timely conciliation initiated by its political leaders;

NOW, THEREFORE, I, CORAZON C. AQUINO, by virtue of the powers vested in me by law, do hereby create an ad hoc Committee to assist in the speedy negotiation, conciliation, arbitration and settlement of labor disputes in Cebu Province and the cities of Cebu, composed of the following:

Minister ANTONIO V. CUENCO	– Chairman
Dep. Min. NENITA C. DALUZ	– Member
The Reg. Dir., Region VII	– Member
Min. of Labor & Employment	

The Committee shall have the following functions:

1. To conduct tripartite conferences and other meetings to gather views and recommendations in identifying the causes of labor disputes in the area.
2. To coordinate with employers and workers' organizations in the formulation of measures designed to expedite resolutions of labor disputes and strikes.
3. To seek and secure assistance of any office, agency or instrumentality of the government necessary to accomplish its task.
4. To submit to the Minister of Labor as soon as possible its findings and recommendations as to the remedial measures that should be taken.

In cases where an impending labor dispute comes to the attention of the committee, it shall immediately convene representatives of the interested parties to a conciliation meeting and try to avert interruption of work. Should this not be possible after sincere efforts have been, exerted, then the committee shall recommend to the Minister of Labor such action it may deem appropriate in the premises.

In the performance of its duties and functions as above mentioned, the Committee is hereby empowered to administer oaths and issue subpoenas requiring the attendance and testimony of any

person and/or production of such books, papers, contracts, records, and such other documents as may be necessary in the performance of its functions.

This Order shall take effect immediately.

Done in the City of Manila, this 9th day of September, in the year of our Lord, nineteen hundred and eighty-six.

(Sgd.) **CORAZON C. AQUINO**
President of the Philippines

By the President:

(Sgd.) **FULGENCIO S. FACTORAN, JR.**

Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1986). [*Administrative Order Nos.: 1 - 150*]. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 6
CREATING THE NATIONAL ORGANIZING COMMITTEE FOR THE THIRD ASEAN SUMMIT
TO BE HELD IN MANILA ON 14-16 DECEMBER 1987.

WHEREAS, at the Special Meeting of ASEAN Foreign Ministers held in Bali, Indonesia, on 29 April 1986, a decision was made to hold in Manila the 3rd Summit Meeting among the Heads of Government of the ASEAN Member States;

WHEREAS, pursuant to the decision, the member states of the ASEAN have agreed that extensive preparations have to be made to ensure the success of the Summit; and

WHEREAS, among the preparations to be made is the creation by the country hosting the Summit Meeting of a National Organizing Committee that shall be responsible for the physical arrangements in organizing the Summit Meeting.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby create the National Organizing Committee for the Third Asean Summit, hereinafter known as the Committee.

The Chairman of the Committee shall be the Vice-President of the Philippines and concurrent Minister of Foreign Affairs with the Ministers of Tourism and National Defense as Vice Chairman. The members of the Committee shall be:

1. Office of the President (Press Secretary)
2. Minister of Budget and Management
3. Minister of Transportation and Communications
4. Minister of General Services Administration
5. Secretary-General of the ASEAN Summit

The Chairman, Vice-Chairman and members of the Committee may designate their respective representatives in case of their inability to attend the meeting.

The Chairman of the Committee is hereby empowered to call upon any agency of the Philippine Government to assist in the discharge of the duties and responsibilities of the Committee, and designate such personnel, including consultants, as may be required.

The Committee shall establish a Secretariat to service the National Organizing Committee. The Secretariat shall be sited in the Ministry of Foreign Affairs.

The Chairman of the Committee shall establish a system of honoraria and allowances for the National Organizing Committee in accordance with accounting and auditing regulations.

The Office of the Budget is hereby directed to immediately appropriate and release the amount of FOUR MILLION PESOS (₱4,000,000.00) for the financial and operational requirements of the Committee and the Secretariat, chargeable to the funds of the Ministry of Foreign Affairs and subject to accounting and auditing requirements.

The Committee shall formulate and adopt its implementing rules and regulations.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 24th day of November, in the year of Our Lord, nineteen hundred and eighty-six.

(Sgd.) **CORAZON C. AQUINO**

By the President:

(Sgd.) **FULGENCIO S. FACTORAN, JR.**

Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1986). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACANANG

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 7
CREATING THE PHILIPPINE COUNCIL ON ASEAN COOPERATION

WHEREAS, the Philippines is committed to the policy of strengthening and promoting ASEAN as a strong and viable regional organization that shall bring about the transformation of the region into an area of peace, stability, and progress;

WHEREAS, there is a need to evolve smoother and greater coordination in the formulation and implementation of Philippine policy towards ASEAN;

WHEREAS, this need has become more imperative in view of the fact that the Philippines will host the Meeting of ASEAN Heads of Government or the ASEAN Summit in December 1987; and

WHEREAS, the Ministry of Foreign Affairs assumes primacy in the conduct of foreign relations and should, therefore, be the focal point for the formulation, coordination and integration of Philippine proposals and positions, particularly insofar as political decisions are concerned on matters relating to ASEAN and specifically to the ASEAN Summit.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Minister of Foreign Affairs shall be the Chairman of a Cabinet-level Philippine Council on ASEAN Cooperation. The Council shall have two Technical Boards, namely: the PCAC Technical Board for ASEAN Economic Cooperation and the PCAC Technical Board for ASEAN Functional Cooperation. The Committee and its two Technical boards shall be constituted in accordance with the appended organizational chart. The present CAEC Technical Board shall retain its functions as the newly-constituted PCAC Technical Board for ASEAN Economic Cooperation with the NEDA Deputy Director General as Chairman and the Assistant Minister for ASEAN Affairs as Vice Chairman. The existing Sub-Committee of CAEC shall retain their functions, except the Sub-Committee on Science and Technology which shall be absorbed by the PCAC Technical Board on ASEAN Functional Cooperation.

SECTION 2. The Ministry of Foreign Affairs shall be the Chairman of the PCAC Technical Board for ASEAN Functional Cooperation and shall determine its composition in accordance with the functional committees or activities of ASEAN.

SECTION 3. Letter of Instructions No. 470, dated 04 October 1986, directing the organization of a Cabinet-level Committee on Economic Matters pertaining to ASEAN, is hereby superseded by this Administrative Order and the Committee on ASEAN Economic Cooperation, which was organized as a result of LOI No. 470, is hereby replaced by the Philippine Council on ASEAN Cooperation (PCAC).

SECTION 4. The Chairman of the Council shall establish a system of honoraria or allowances for the meetings of the Council in accordance with existing accounting and auditing regulations.

SECTION 5. The Office of the Budget and Management is hereby directed to appropriate and release the initial amount of ONE MILLION PESOS (₱1,000,000.00) for the financial and operational requirements of the Council until December 1987 and to subsequently appropriate and release such

amount as deemed necessary for the annual operation of the Council, chargeable to the funds of the Ministry of Foreign Affairs and subject to accounting and auditing requirements.

SECTION 6. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 24th day of November, in the year of Our Lord, nineteen hundred and eighty-six.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FULGENCIO S. FACTORAN, JR.

Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1986). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 8
DESIGNATING THE RIZAL DAY NATIONAL COMMITTEE

WHEREAS, the 90th Death Anniversary of Jose Rizal on December 30, 1986 falls in the year when our nation overthrew through a peaceful and democratic process the tyranny of an oppressive dictatorship;

WHEREAS, it is fitting that all officials and citizens of the Republic render tribute to the ideals and noble cause embodied in the life and martyrdom of our national hero and patriot;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Republic of the Philippines, call upon all our people to observe this anniversary with the most appropriate ceremonies and programs expressive of the nation's highest homage and gratitude.

I hereby designate the Rizal Day National Committee composed of the following:

Hon. Lourdes Quisumbing, Minister of Education Culture and Sports	Chairperson
Hon. Alberto G. Romulo, Minister of the Budget	Member
Hon. Teodoro Benigno, Press Secretary	Member
Hon. Juanito Ferrer, Deputy Minister of Public Works and Highways.....	Member
Hon. Ciriaco Alfelor, Deputy Minister of Local Government.....	Member
Hon. Karina David, Deputy Minister of Social Services and Development	Member
Hon. Miguel Perez-Rubio, Chief Presidential Protocol Officer.....	Member-Secretary
Hon. Jose Lina, Governor of Metro Manila	Member
Hon. Gemiliano Lopez, Jr. Mayor of Manila.....	Member
Col. Simeon C. Medalla, Supreme Commander of the Knights of Rizal.....	Member
Mrs. Trinidad Gomez, President of the Civic Assembly of Women of the Philippines.....	Member
Mr. Serafin Quiason, Jr., Chairman of the National Historical Institute....	Member
Mr. Orlando Mercado, Chairman of the National Park Development Committee	Member
Mr. Teodoro Locsin, Sr.	Member

to organize and effect all arrangements necessary for the appropriate celebration of the day all over the Philippines and secure the cooperation of all government and private instrumentalities to ensure its success. The Committee may create such subcommittees as may be necessary.

DONE in the City of Manila, this 16th day of December, in the year of Our Lord, nineteen hundred and eighty-six.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) JOKER P. ARROYO

Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1986). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 9
CREATING THE OFFICE FOR DEVELOPMENT MANAGEMENT AND FOR
OTHER PURPOSES

WHEREAS, in the face of the enormous problems besetting the Government and to prevent conflicts in thrusts and directions, it is imperative that the Office of the President be strengthened particularly in the development management, coordinative, interventive and monitoring processes/functions of the President;

WHEREAS, the creation of a specialized office within the Office of the President duly vested with appropriate powers and functions has become necessary to effectively implement such processes/functions of the President;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by the sovereign will of the Filipino people and the Freedom Constitution, do hereby order:

SECTION 1. Creation of the Office for Development Management. – There is hereby created within the Office of the President, under the direct supervision of the President, the Office for Development Management (ODM) to be headed by a Deputy Executive Secretary (DES) which shall serve as the operating arm and resource base in the performance of the development management function of the President.

SEC. 2. Declaration of Policy. – It is henceforth the policy of the Government to strengthen the Office of the President structurally and functionally, in the performance of its development management functions, particularly its coordinative, interventive and monitoring processes and functions relative thereto; establish direct access with, and a feedback mechanism from, the people; and through the Office of the President, to initiate, catalyze or demonstrate programs and projects, which will be carried out and sustained as regular national programs and projects by line ministries and agencies.

SEC. 3. Mandate and Functions of ODM. – The ODM shall carry out and implement the policies set forth in the preceding Section. To attain such mandate, the ODM shall have the following functions:

- (a) Translate Presidential perspectives/insights, policies and plans on development issues into strategic action programs/projects;
- (b) Assist in the coordinative functions of the President with respect to the implementation of the development program of the Government;
- (c) Implement initial action in critical areas such as, but not limited to, the National Reconciliation and Development Program, where the President would want to lead in piloting development initiatives that can subsequently be turned over and expanded by the line ministries;
- (d) Provide a feedback mechanism to and from the people and the Office of the President;
- (e) Transact such business and enter into such contracts, domestic or foreign, as may be necessary for the accomplishment of its purposes and objectives under such terms and conditions as it may deem necessary and reasonable;

- (f) Exercise direct control and supervision over such organizations, offices, agencies, programs and projects as may be aligned/assigned/transferred to the ODM pursuant to Section 7 hereof, or as may hereinafter be provided in subsequent promulgations of the President, provided, however, that the ODM is hereby authorized to repeal or amend the charters, articles of incorporation, or by-laws, if any, of said organizations, offices and agencies; merge or consolidate any of said organizations, offices and agencies; and is hereby also authorized to dispose of their assets as it may deem fit and expedient under the circumstances;
- (g) Seek the assistance and cooperation of any ministry, agency, bureau, office, or any other instrumentality of the Government or any private entity or organization for the accomplishment of its purposes and objectives;
- (h) Organize and supervise such task forces as may be necessary to respond to instructions from the President;
- (i) Undertake such activities and exercise such powers as are necessary for the effective and due performance of its functions.

SEC. 4. Functions of DES. – The authority and responsibility for the exercise of the mandate of the ODM, the accomplishment of its objectives and the discharge of its functions shall be vested in the DES, who shall be appointed by the President and shall supervise and control the ODM. For such purposes, the DES shall have the following functions:

- (a) Prepare the position structure and staffing pattern and budget of the ODM, including the corresponding salaries, duties and responsibilities of the personnel, and submit the same for approval of the President;
- (b) Direct and supervise the operations and activities of the ODM;
- (c) Appoint the officers and personnel of the ODM and remove or discipline them for cause as well as those of such organizations, agencies, corporations, centers, councils, committees, including their respective programs/projects, placed under the supervision and control of the ODM by virtue of this Administrative Order and/or such subsequent promulgations of the President;
- (d) Represent the ODM in all contracts and transactions which it may enter into;
- (e) Render annual reports on the activities of the ODM to the Office of the President;
- (f) Supervise the formulation and promulgation of the rules and regulations implementing this Administrative Order;
- (g) Issue such rules and regulations as may be necessary to implement the provisions of this Administrative Order;
- (h) Exercise such powers necessary or incidental to the attainment of the purposes of this Administrative Order or delegate them as he may deem proper under the circumstances.

SEC. 5. Non-Diminution of Authority of President. – Nothing in this Administrative Order shall be understood as inhibiting or delimiting any of the President's powers, including the authority to direct and institute measures for directly and personally handling matters which are deemed vital enough to warrant the personal attention of the President.

SEC. 6. Critical Agency. – In view of its highly confidential and technical nature, the ODM is hereby declared a critical agency and its personnel shall be exempt from such wage standards and

classifications established for Government employees. Each officer and employee shall have such terms and conditions of employment as may be adopted by the ODM and approved by the DES.

SEC. 7. Transfer of Agencies/Program. – The President, thru appropriate administrative order(s), shall specify the organizations, agencies, offices, programs, and projects and the functions being respectively performed by them, as well as their respective personnel, assets and budgets to be absorbed by, or attached to the ODM, and reorganized by it.

SEC. 8. Funding. – Funds needed to carry out the provisions of this Administrative Order shall be taken from funds available in the Office of the President, or, in the absence or insufficiency thereof, from any available lump sum appropriations and/or special funds.

SEC. 9. Separability Clause. – The provisions of this Administrative Order are hereby declared to be separable, and if any provision or section of this Administrative Order or application hereof to any person or circumstances should, for any reason, be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or sections of this Administrative Order.

SEC. 10. Effectivity. – This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 5th day of January, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) JOKER P. ARROYO

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 10
IMPLEMENTING THE ADMINISTRATIVE ORDER CREATING THE OFFICE
FOR DEVELOPMENT MANAGEMENT AND FOR OTHER PURPOSES

WHEREAS, a separate Administrative Order has created the Office for Development Management (“ODM”);

WHEREAS, this Administrative Order is necessary to complete the initial organization of the ODM pursuant to the aforesaid Administrative Order;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by the sovereign will of the Filipino people and the Freedom Constitution, do hereby order:

SECTION 1. Attached Agencies. – The following agencies, together with all their activities, are hereby attached to the ODM:

- (a) Kilusang Kabuhayan at Kaunlaran (KKK) – Processing Center Authority;
- (b) Technology Resource Center;
- (c) Human Settlements Development Corporation;
- (d) Philippine Human Resource Development Center;
- (e) Sacobia Development Authority; and
- (f) Southern Philippines Development Authority.

SEC. 2. Reorganization of Attached Agencies. – The ODM is hereby authorized to reorganize, rename the attached agencies, repeal or amend the characters, articles of incorporation or by-laws, if any, of the attached agencies, merge or consolidate any of the attached agencies, and dispose of such assets of the attached agencies as it may deem fit and expedient under the circumstances.

SEC. 3. Contracts, Agreements, Obligations. – All existing legitimate contracts, agreements, and other obligations entered into or incurred by the organizations, offices and/or programs listed in Section 1 above, shall continue to be in force, subject, insofar as the law may allow, to review by the ODM and to subsequent legal action as may be proper, just and fair.

SEC. 4. KKK-National Secretariat. – The KKK-National Secretariat, including all its projects and programs, is hereby transferred to the ODM as a constituent unit thereof. The transfer shall include the functions, appropriations, funds, records, equipment, facilities, choses in action, rights, other assets and liabilities, if any, of the transferred unit as well as the personnel thereof, as may be necessary who shall, in a hold-over capacity, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits unless in the meantime they are separated from government service pursuant to Executive Order No. 17 (1986) or Article III of the Freedom Constitution. Those personnel of the transferred unit whose positions are not included in the new position structure and staffing pattern approved and prescribed by the DES or who are not reappointed shall be deemed separated from the service and shall be entitled to the benefits provided for under existing laws, rules and regulations.

SEC. 5. Pagkain ng Bayan Program. – The ODM is hereby authorized to administer, supervise, monitor and perform such other functions as may be necessary for the successful implementation of the Pagkain ng Bayan Program.

SEC. 6. New Structure and Pattern. – The new structure, organizational functions and staffing pattern of the ODM shall be approved and prescribed by the DES within sixty (60) days from the approval of this Administrative Order and the authorized positions created thereunder shall be filled with regular appointments by the DES or by the President as the case may be. Those incumbents of the organizations, offices and/or programs transferred to the ODM as above provided, whose positions are not included therein, or who are not appointed, shall be deemed separated from the service. Those separated from the service shall receive the benefits to which they may be entitled under existing laws, rules and regulations.

SEC. 7. Periodic Performance Evaluation. – The DES is hereby required to formulate and enforce a system of measuring and evaluating periodically and objectively the performance of the ODM and submit the same annually to the President.

SEC. 8. Prohibition against Change. – No change in the reorganization herein prescribed shall be valid except upon prior approval of the President for the purpose of promoting efficiency and effectiveness in the delivery of public service.

SEC. 9. Implementing Authority of the DES. – The DES shall issue such rules, regulations and other issuances as may be necessary to ensure the effective implementation of the provisions of this Administrative Order.

SEC. 10. Effectivity. – This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 5th day of January, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) JOKER P. ARROYO

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 11
CREATING A PRESIDENTIAL INVESTIGATION COMMISSION TO BE KNOWN AS THE
CITIZENS' MENDIOLA COMMISSION.

A Presidential Investigation Commission to be known as the Citizens' Mendiola Commission is hereby created composed of retired Supreme Court Justice Vicente Abad Santos as Chairman, retired Supreme Court Justice Jose Y. Feria as Member and Mr. Antonio U. Miranda as Member for the purpose of conducting an investigation of the disorder, deaths, and casualties that took place in the vicinity of Mendiola Bridge and Mendiola Street and Claro M. Recto Avenue, Manila, in the afternoon of January 22, 1987. It should submit its findings to the President of the Philippines not later than February 6, 1987. In addition to the rules of procedures which the Commission may desire to adopt, it will function under the following guidelines:

1. Its conclusions regarding the existence of probable cause for the commission of any offense and of the persons probably guilty of the same shall be sufficient compliance with the rules on preliminary investigation and the charges arising therefrom may be filed directly with the proper court.

2. It may appoint such resource persons of high integrity, investigators and fiscals of known integrity to assist in the investigation and prosecution of criminal charges.

3. It shall have authority to issue subpoenas for the appearance of witnesses and for the production of documents and other evidence and it shall have the power to punish disobedience of said processes as contempt of court.

4. In all matters of procedure not covered by this Order, the Commission shall consider existing summary rules of criminal procedure as supplementary to this Order.

5. The Commission may deputize the National Bureau of Investigation, the Criminal Investigation Service of the Philippine Constabulary and any other law enforcing agency to assist in the performance of the Commission's duties.

6. The Commission shall be funded such amounts as may be necessary to enable it to comply with its duties.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 22nd day of January, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) JOKER P. ARROYO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 12
CREATING AN AD-HOC NATIONAL COMMITTEE FOR THE COMMEMORATION OF THE
FIRST ANNIVERSARY OF THE FEBRUARY 22-25, 1986 REVOLUTION

WHEREAS, the success of the February 22-25, 1986 Revolution was made possible by the collective courage of various sectors of our people;

WHEREAS, these sectoral groups have signified their intention to conduct individual celebrations on the occasion of the first anniversary of the February 22-25, 1986 Revolution;

WHEREAS, the occasion can best be commemorated by a well-coordinated and integrated activity;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby create an ad-hoc National Committee for the commemoration of the first anniversary of the February 22-25, 1986 Revolution, hereinafter referred to as the Committee.

The Committee shall be composed of the following:

Ms. June Keithley	– Chairperson
Minister Rafael M. Ileto	– Member
Minister Mita Pardo de Tavera	– Member
Minister Alberto G. Romulo	– Member
General Fidel V. Ramos	– Member
Press Secretary Teodoro C. Benigno	– Member
Former Minister Juan Ponce Enrile	– Member
Mr. Ramon del Rosario	– Member, representing the business sector
A Representative of His Eminence Jaime Cardinal Sin	– Member, representing the religious sector
Mr. Agapito “Butz” Aquino	– Member, representing the cause-oriented groups

The Committee shall have the following functions:

1. Formulate and implement a comprehensive plan for the commemoration of the first anniversary of the February 22-25, 1986 Revolution; and
2. Direct, supervise and coordinate the participation of all sectors who have signified their intentions to celebrate the occasion of the first anniversary of the February 22-25, 1986 Revolution under this Administrative Order.

The Committee is hereby authorized to call on any government agency for support and assistance in the accomplishment of its tasks under this Administrative Order.

The Minister of Budget and Management is hereby authorized to allocate the amount necessary to support this activity.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 3rd day of February, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) JOKER P. ARROYO

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 13
AMENDING ADMINISTRATIVE ORDER NO. 11 CREATING A PRESIDENTIAL
INVESTIGATION COMMISSION TO BE KNOWN AS THE CITIZENS' MENDIOLA
COMMISSION.

WHEREAS, Administrative Order No. 11 directed the Citizens' Mendiola Commission to submit its findings to the President of the Philippines not later than February 6, 1987;

WHEREAS, considering the number of witnesses whose testimony has to be taken and evaluated it has become manifest, according to the Chairman and members, that the Commission will be unable to meet the deadline.

Accordingly, Administrative Order No. 11 is hereby amended in that the Citizens' Mendiola Commission shall submit its findings not later than February 16, 1987.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 3rd day of February, in the year of Our Lord, nineteen hundred and eighty-seven

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) JOKER P. ARROYO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 14
APPROVING THE IDENTIFICATION OF AND TRANSFER TO THE NATIONAL
GOVERNMENT OF CERTAIN ASSETS AND LIABILITIES OF THE DEVELOPMENT BANK
OF THE PHILIPPINES AND THE PHILIPPINE NATIONAL BANK.

WHEREAS, pursuant to Section 23 of Proclamation No. 50, the President of the Republic of the Philippines, acting through the Committee on Privatization, shall in an appropriate instrument identify and describe the assets of government institutions to be transferred to the National Government and the loan or other transactions giving rise to the receivables, obligations and other property constituting assets to be transferred;

WHEREAS, under the provisions of said Proclamation, more particularly Sec. 22 thereof, the terms of transfer of assets may include appropriate arrangements for the consideration thereof, including but not limited to the assumption by the National Government of such liabilities of government financial institutions and/or other government corporations whether real or contingent;

WHEREAS, in pursuance of the said provision, the National Government, through the President of the Republic of the Philippines, is authorized to assume the obligations of government institutions including those due to the National Government on terms and to the extent determined by the President, on the recommendation of the Minister of Finance, that may be warranted by the transfer of assets from such institutions pursuant to this Proclamation;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby approved the following:

- (a) The identification of and transfer to the National Government of certain assets of the Development Bank of the Philippines and the Philippine National Bank consisting of loans, equity investments, accrued interest receivables, acquired assets and other assets included in the list consisting of 17 pages hereto attached and made an integral part hereof as Annex "A".
- (b) The assumption by the National Government of certain liabilities of the Development Bank of the Philippines and the Philippine National Bank consisting of deposits, borrowings, other liabilities, and contingent guarantees, more particularly described in the list consisting of 60 pages hereto attached and made an integral part hereof as Annex "B". Funding arrangements for the liabilities shall be worked out by the National Government in coordination with the Development Bank of the Philippines and the Philippine National Bank.

It is understood that the listings in Annexes "A" and "B" hereof may be revised by the Development Bank of the Philippines and the Philippine National Bank in consultation with the Committee on Privatization if some errors in the listings are discovered.

The Minister of Finance is hereby authorized to enter into, conclude and sign, for and in behalf of the National Government, such agreements, deeds, and any and all other documents as may be necessary to implement the transfer of assets and liabilities contemplated herein. The Bureau of the

Treasury is hereby authorized and directed to take up in the Books of Accounts of the National Government all transactions contemplated herein. The Office of Budget and Management is likewise hereby directed to issue the necessary authority to the Bureau of the Treasury in order for the National Government to acquire said assets and liabilities.

DONE in the City of Manila, Philippines, this 3rd day of February, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) JOKER P. ARROYO

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). [*Administrative Order Nos.: 1 - 150*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 15
PROVIDING FOR THE CONVERSION OF THE MINISTRIES INTO DEPARTMENTS AND THE
CORRESPONDING CHANGE IN THE TITLES OF KEY POSITIONS THEREOF.

With the adoption of the 1986 Constitution, all ministries should henceforth be called departments.

Ministers shall be described as Secretaries; Deputy Ministers as Undersecretaries; and Assistant Ministers/Secretaries as Assistant Secretaries.

It is suggested that existing stationeries or other papers bearing the letterhead or description of ministries or ministers should be used until the supplies are exhausted. Whenever convenient, typewritten corrections can simply be made thereon.

Done in the City of Manila, this 11th day of February, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) **CORAZON C. AQUINO**

By the President:
(Sgd.) **JOKER P. ARROYO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 16
PROVIDING INSTRUCTIONS FOR OFFICIALS WHO ARE HOLDING POSITIONS IN THE
GOVERNMENT OTHER THAN THEIR PRIMARY POSITIONS.

In view of the provisions of Section 13, Article VII of the 1986 Constitution in conjunction with Sections 7 and 8 of Article IX (B), officials who are holding positions in the government other than their primary positions, are hereby authorized to continue to perform their duties in all such positions until guidelines are issued relative to said constitutional provision so as not to disrupt the operations of the office.

Done in the City of Manila, this 11th day of February, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) **CORAZON C. AQUINO**

By the President:
(Sgd.) **JOKER P. ARROYO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 16-A
PROVIDING ADDITIONAL INSTRUCTIONS IN RELATION TO ADMINISTRATIVE ORDER
NO. 16 DATED FEBRUARY 11, 1987

WHEREAS, on February 11, 1987, I issued, for reasons stated therein ADMINISTRATIVE ORDER NO. 16 which reads as follows:

“In view of the provisions of Section 13, Article VII of the 1986 Constitution in conjunction with Sections 7 and 8 of Article IX(B), officials who are holding positions in the government other than their primary positions, are hereby authorized to continue to perform their duties in all such positions until guidelines are issued relative to said constitutional provision so as not to disrupt the operations of the office”;

WHEREAS, on 4 March 1987, a memorandum was issued to Undersecretary of Justice Reyes, Undersecretary Diokno of Budget and Management, Assistant Executive Secretary Elma, and Consultant Carlos Syquia of the Presidential Commission on Government Reorganization, which reads as follows:

“You are hereby directed to study the guidelines referred to in Administrative Order No. 16, copy enclosed, and to submit your report thereon on or before 12:00 noon, March 10, 1987, so that the same can be taken up by the Cabinet at its meeting the next day”;

WHEREAS, in view of the complexity of the issue and the practical difficulties it will entail, the aforesaid officials have asked for more time to coordinate their efforts with the Cabinet Assistants System which is likewise studying the matter;

WHEREAS, any change at the moment might disrupt public services and cause losses to assets of the corporations and entities involved;

WHEREAS, the constitutional mandate must be addressed and provisionally measures should be adopted in the meantime that no final determination has been made.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order:

SECTION 1. That a department secretary, undersecretary, or assistant secretary shall not occupy more than two positions other than the principal position he holds.

SECTION 2. That if for any reason an official holds more positions than what is prescribed above, he must resign from the excess position(s).

SECTION 3. That any vacancy created by such resignation shall be filled up by the official who is next in line, to wit: Undersecretary, assistant secretary, executive staff member, or bureau director but in no case can any official hold more than two additional positions.

SECTION 4. That this interim arrangement shall continue only such time as the constitutional intent and the practical difficulties are resolved.

SECTION 5. That all officials affected by this administrative order are required to submit to the Office of the President their compliance thereon.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 10th day of March, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) JOKER P. ARROYO

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 17
FURTHER AMENDING ADMINISTRATIVE ORDER NO. 11 CREATING A PRESIDENTIAL
INVESTIGATION COMMISSION TO BE KNOWN AS THE CITIZENS' MENDIOLA
COMMISSION.

WHEREAS, under the ADMINISTRATIVE ORDER NO. 11, as amended, the deadline set for the Citizens' Mendiola Commission to submit its findings to the President of the Philippines is February 16, 1987;

WHEREAS, the Citizens' Mendiola Commission needs additional time to study and evaluate the testimony of numerous witnesses and to prepare the corresponding report thereon.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby further amend Administrative Order No. 11, as amended, to the extent that the Citizens' Mendiola Commission shall submit its findings not later than February 27, 1987.

DONE in the City of Manila, this 11th day of February, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) JOKER P. ARROYO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 18
PRESCRIBING RULES AND REGULATIONS GOVERNING APPEALS TO THE OFFICE OF THE
PRESIDENT OF THE PHILIPPINES.

WHEREAS, Executive Order No. 19 was promulgated on April 2, 1966 to govern appeals to the Office of the President;

WHEREAS, most of the provisions of Executive Order No. 19, as amended, have been rendered obsolete by policies adopted and laws enacted since its promulgation on April 2, 1966, and, therefore, needs revision to meet the requirements of such policies and laws, without, however, minimizing the right of the President to refuse to give due course to appeals or petitions for review in cases where there is no express provision of law recognizing the right of the parties to appeal to the Office of the President;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby promulgate the following rules and regulations to govern appeals to or petitions for review filed with the Office of the President, as follows:

SECTION 1. Unless otherwise governed by special laws, an appeal to the Office of the President shall be taken within thirty (30) days from receipt by the aggrieved party of the decision/resolution/order complained of or appealed from. Said appeal shall be filed with the Office of the President, or with the Ministry/agency concerned, with copies furnished to the affected parties and, if the appeal is filed with the Office of the President, to the Ministry/agency concerned. If the appeal is directly filed with the Ministry/agency concerned, such Ministry/agency shall, within five (5) days from receipt thereof, transmit the appeal to the Office of the President, together with the records of the case.

The time during which a motion for reconsideration has been pending with the Ministry/agency concerned shall be deducted from the period for appeal. But where such a motion for reconsideration has been filed during office hours of the last day of the period herein provided, the appeal must be made within the day following receipt of the denial of said motion by the appealing party.

SEC 2. The appeal shall contain the caption and docket number of the case as presented in the office of origin and the addresses of the parties; shall indicate the specific material dates that it is filed within the period prescribed in Section 1 hereof; and shall state the grounds relied upon for the appeal, the issues involved, and the reliefs sought. It shall be accompanied with a copy of the decision/resolution/order being appealed.

SEC 3. A fee of One Hundred Pesos (₱100.00) shall be charged for every appeal to the Office of the President.

Pauper litigants duly certified as such in accordance with the Rules of Court shall be exempted from the payment of appeal fee.

SEC 4. Extension of time for the payment of appeal fee and the filing of pleadings shall not be allowed, except for good and sufficient cause and only if the motion for extension is filed before the expiration of the time sought to be extended.

SEC 5. The appeal may be dismissed for failure to comply with the Orders of the Office of the President issued in connection with the appeal.

SEC 6. Except as otherwise provided by special laws, the execution of the decision/resolution/order appealed from is stayed upon the filing of the appeal within the period prescribed herein. However, in all cases, at any time during the pendency of the appeal, the Office of the President may direct or stay the execution of the decision/resolution/order appealed from upon such terms and conditions as it may deem just and reasonable.

SEC 7. Decisions/resolutions/orders of the Office of the President shall, except as otherwise provided for by special laws, become final after the lapse of fifteen (15) days from receipt of a copy thereof by the parties, unless a motion for reconsideration thereof is filed within such period.

Only one motion for reconsideration by any one party shall be allowed and entertained, save in exceptionally meritorious cases.

SEC 8. An appeal may be allowed to be withdrawn at any time prior to the promulgation of the decision/resolution/order of the Office of the President on the appeal except when public interest is prejudiced thereby. Upon the approval of the withdrawal of an appeal, the case shall stand as if no appeal had ever been taken.

SEC 9. The Rules of Court shall apply in a suppletory character whenever practicable.

SEC 10. Executive Order No. 19, series of 1966, as amended, is hereby repealed, and any other executive order, rule or regulation or any part thereof inconsistent with this Order is hereby modified and/or amended accordingly.

SEC 11. This Order shall take effect fifteen (15) days from publication in the Official Gazette.

Done in the City of Manila, this 12th day of February, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) JOKER P. ARROYO

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 19
PROVIDING ADDITIONAL GUIDELINE TO THE TASK FORCE ANTI-GAMBLING IN THE
EXERCISE OF ITS FUNCTIONS

Whenever and wherever the Task Force Anti-Gambling (TFAG) shall unearth the existence of gambling activities in a province, city, or municipality, the TFAG should immediately inform the governor, city mayor, or municipal mayor of said activity. The local official concerned shall, within seventy-two hours from receipt of such information, communicate in writing to the Chairman of the TFAG, Office of the President, his comment thereon. This is necessary so that everything would be in their proper perspective.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 6th day of April, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) **CORAZON C. AQUINO**

By the President:
(Sgd.) **JOKER P. ARROYO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). [*Administrative Order Nos.: 1 - 150*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 20
FURTHER MODIFYING PRESIDENTIAL DECREE 334.

Section 6 is hereby modified to the extent that unless the President directs otherwise, the Executive Secretary shall be the ex-officio Chairman of the Board of the Company as well as its subsidiaries and affiliates.

Section 10 is likewise modified to the extent that unless the President directs otherwise, the Deputy Executive Secretary shall be the ex-officio legal counsel and a director of the Company as well as its subsidiaries and affiliates.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 6th day of April, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) JOKER P. ARROYO
Executive Secretary

Source: **Presidential Management Staff**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1-150]*. Manila: Presidential Management Staff.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 21
RESTATING THE GUIDELINES FOR THE ISSUANCE OF PRESIDENTIAL APPOINTMENTS

1. The President shall affix her signature to the following presidential appointments:

- (1) Officials whose appointments are vested in the President under the Constitution;
- (2) Secretaries of departments, undersecretaries, assistant secretaries;
- (3) Ambassadors, Ministers, and Consuls;
- (4) Flag officers of the Armed Forces; Colonels (and Captains in the Navy);
- (5) Officials with ranks equal to those enumerated in items 1, 2, 3, and 4 above.

2. Presidential appointments below those enumerated above and recommended by the heads of the departments or offices and approved by the President may be signed by the Executive Secretary or the Deputy Executive Secretary, acting for and “By Authority of the President”.

DONE in the City of Manila, this 6th day of April, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) **CORAZON C. AQUINO**

By the President:
(Sgd.) **JOKER P. ARROYO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 22
AMENDING ADMINISTRATIVE ORDER NO. 498

WHEREAS, foreign service personnel and attaches or representatives abroad are often compelled to use their personal vehicles, which vehicles usually exceed 1,800 cubic centimeters engine displacement, in the performance of their official duties;

WHEREAS, to give more meaning to the grant of tax exemption for motor vehicles brought in by returning foreign service personnel and attaches or representatives, the limit of the engine displacement and the maximum kerbweight of the motor vehicles that could be brought in by them subject of the tax exemption should be increased;

WHEREAS, female foreign service personnel and attaches or representatives have been prejudiced in exercising the tax exemption privilege since there are countries which prohibit the registration of motor vehicles in the name of a woman;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order the following:

(1) Number 5, Letter (A), of ADMINISTRATIVE ORDER NO. 498 dated June 25, 1985, is hereby amended to read as follows:

“The Departments of Foreign Affairs and Finance shall limit the grant of tax exemption for motor vehicles brought in by returning foreign service personnel and attaches or representatives, irrespective of rank, to vehicles with engine displacement not exceeding 2,800 cubic centimeters or kerbweight not exceeding 1,500 kilograms, including accessories, which must be registered in the name of the returning officer or employee: Provided, That the registration must be made at least two years prior to the last date of service abroad, and Provided, Further, That where the laws of the country of assignment of a female officer or employee prohibit the registration of a motor vehicle in the name of a woman, the registration may be effected in her husband’s name or, if not married, in the name of the Embassy or Consulate under prior approval of the Secretary of Foreign Affairs.”

(2) This Administrative Order shall take effect retroactively as of February 26, 1986. However, no refunds shall be given for payment already made before the effectivity of this Administrative Order.

Done in the City of Manila, this 15th day of May, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) JOKER P. ARROYO
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 23
IMPOSING ON ACTING ASSISTANT CITY FISCAL PRISCILLO B. INTING OF DAVAO CITY
A FINE EQUIVALENT TO THIRTY DAYS' SALARY.

This is an administrative complaint filed by Atty. Casimiro Arkoncel, Jr., against City Fiscal Emmanuel Galicia and Acting Assistant City Fiscal Priscilo B. Inting, both of Davao City, for grave misconduct, dereliction of duty and acts tantamount to violation of the Anti-Graft Law, in connection with the delay in resolving complaints for estafa filed by laborers against their lawyer and labor leaders.

It appears that 97 complaints for estafa filed by laborers, through Atty. Arkoncel, against their lawyer and their labor leaders in October 1981 through July 1982, were pending resolution before Acting Assistant City Fiscal Priscilo B. Inting despite the lapse of a considerable length of time since the preliminary investigation had been conducted and after complainants had filed their last pleading on August 10, 1983. The cases not having been resolved, Atty. Arkoncel filed the instant administrative complaint on May 8, 1984. It was only on July 3, 1984, when Acting Assistant Fiscal Inting finally submitted the resolution of the case.

Complainant alleged that City Fiscal Galicia and Acting Assistant Fiscal Inting, in connivance with each other and with the respondents of the said cases, "deliberately, maliciously and feloniously sat down" on the above-mentioned cases.

Respondent Acting Fiscal Inting denied conniving with the respondents in the said criminal complaints and attributed the delay upon the following causes:

"a. As an assistant fiscal, he prosecutes criminal cases in the morning and conducts preliminary investigation in the afternoon;

"b. Davao City is one of the most populous centers in the country, and their office records reflect a big volume of cases received and attended to by the office; hence, at times they suffer a backlog in the disposition of the same."

For his part, City Fiscal Galicia, in his comment of June 21, 1984, stated that the subject cases were "assigned to Assistant City Fiscal Priscilo B. Inting for preliminary investigation" and that when he learned of the pendency of the resolution of these cases, he made oral and written follow-ups with Fiscal Inting who "made assurances that his resolution would be forthcoming."

Upon the foregoing, the Ministry (now Department) of Justice considered respondent Acting Assistant Fiscal Inting's "explanation unsatisfactory to justify the delay" and recommended that he (Inting) be fined the equivalent of thirty (30) days' salary.

On the charge of connivance between City Fiscal Galicia and Acting Assistant Fiscal Inting, the then Minister of Justice found the records "bereft of any evidence in support thereof."

Upon referral for an updated comment and recommendation, the Ministry (now Department) of Justice, in a letter of December 8, 1986, reiterated its "previous findings and/or evaluation of evidence" on the case.

After going over the records of the case, I agree with the finding of the then Minister (now Secretary) of Justice that the delay of Acting Assistant Fiscal Inting in the resolution of the subject criminal cases

is not justified. I also concur with the Justice Minister's finding that there is no evidence on record to support the charge of connivance between City Fiscal Galicia and Acting Assistant Fiscal Inting.

Section 1 (d) of Presidential Decree No. 911 requires respondent Fiscal Inting to act within ten (10) days from the termination of the preliminary investigation or, in the subject cases, from August 10, 1983. However, the records clearly show that more than ten (10) months had elapsed since the last pleading in the criminal cases was filed before the resolution was submitted by Acting Assistant Fiscal Inting on July 3, 1984, despite reminders from City Fiscal Galicia. Such actuation of respondent Acting Assistant Fiscal Inting is repugnant to the expeditious administration of justice, specially in cases involving laborers, which I cannot tolerate, much less condone.

In view of the foregoing, Acting Assistant Fiscal Priscilo B. Inting of Davao City is hereby fined in an amount equivalent to thirty days' salary, effective upon receipt of a copy of this Order. He is also warned that a repetition of the same or similar offense in the future will be dealt with more severely.

Done in the City of Manila, Philippines, this 15th day of May, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 24
CREATING A NATIONAL COMMITTEE TO TAKE CHARGE OF THE CELEBRATION
OF PHILIPPINE INDEPENDENCE DAY ON JUNE 12, 1987.

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby create a National Committee, hereinafter referred to as the Committee, to take charge of the celebration of Philippine Independence Day on June 12, 1987.

The Committee shall be composed of the following:

The Secretary of Tourism	–	Chairman
The Secretary of Budget & Management	–	Vice-Chairman
An Undersecretary of Foreign Affairs	–	Member
An Undersecretary of Agriculture	–	Member
An Undersecretary of Public Works & Highways	–	Member
An Undersecretary of Education, Culture and Sports	–	Member
An Undersecretary of Labor & Employment	–	Member
An Undersecretary of National Defense	–	Member
An Undersecretary of Local Government	–	Member
An Undersecretary of Transportation and Communications	–	Member
An Undersecretary of Social Welfare and Development	–	Member
An Undersecretary of the Office of the Press Secretary	–	Member
The Chief Presidential Protocol Officer	–	Member
The Governor of the Metro Manila Commission	–	Member
The Executive Director, Office on Muslim Affairs	–	Member
The Chairman of the National Historical Institute	–	Member
The President of the Philippine Association of Colleges and Universities	–	Member
The President of the Civic Assembly of Women of the Philippines	–	Member

The Undersecretaries shall be designated by the Secretaries of the Department concerned.

The Committee shall meet at the call of the Chairman and for the purpose of discharging its functions, may create its sub-committees as may be necessary.

The Committee is hereby authorized to call upon any department, bureau, office or agency or instrumentality of the government including government-owned or controlled corporations, for such assistance as it may need in the discharge of its duties and functions.

Done in the City of Manila, this 15th day of May, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) JOKER P. ARROYO
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 25
CREATING A PRESIDENTIAL COMMITTEE ON PUBLIC ETHICS AND ACCOUNTABILITY
AND FOR OTHER PURPOSES

WHEREAS, to set the moral tone in promoting honesty, integrity and accountability in public service, the Executive Branch of the Government must lead in the pursuit of the common commitment against graft and corruption by declaring a national policy thereon, and creating a committee tasked with the implementation of such policy;

WHEREAS, Article XVIII, Section 6 of the 1987 Constitution provides, that: “The incumbent President shall continue to exercise legislative powers until the first Congress is convened”;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. Declaration of Policy. – The Department Secretary shall be directly responsible to the President in eradicating graft and corruption in his Department and the offices, agencies, government-owned or controlled corporations attached to or under his Department. The Department Secretary shall likewise be responsible to the President for the implementation of policies and programs to minimize or prevent graft and corruption and to promote the ethical standards of public service.

SECTION 2. Creation of a Presidential Committee on Public Ethics and Accountability. – In the implementation of the aforesaid policy, there is hereby created a Presidential Committee on Public Ethics and Accountability, hereinafter referred to as the Committee, to be composed of the following:

Cabinet Secretary Jose P. De Jesus	– Chairman
Secretary Sedfrey Ordoñez	– Member
Department of Justice	
Secretary Carlos A. Dominguez	– Member
Department of Agriculture	
Secretary Vicente Jayme	– Member
Department of Public Works and Highways	
Secretary Alfredo R.A. Bengzon	– Member
Department of Health	
Secretary Fulgencio S. Factoran, Jr.	– Member
Department of Energy, Environment and Natural Resources	
Chairman Ramon Diaz, Jr.	– Member
Presidential Commission on Good Government	

The other members of the Cabinet shall serve as Resource Persons of the Committee.

The Committee shall assist the President and the Cabinet in coordinating the efforts of the various Departments in combatting graft and corruption and in promoting the ethical standards of public service in the Executive Branch of the Government.

The Committee shall meet at least once a month or as often as the Chairman may deem it necessary. The Office of the Cabinet Secretary shall provide the technical and administrative support to

this Committee. The Office of the Cabinet Secretary may establish a Coordinating and Action Center to be staffed by full time or detailed personnel as and when the need for the same arises.

SECTION 3. Action Officers. – Each Department shall designate its Action Officer to serve as its operational link to the Committee on matters relating to this Administrative Order.

SECTION 4. System of Reporting. – The Committee shall submit periodic reports to the Cabinet and the President.

The Department Secretary, through the Action Officer, shall be responsible in reporting to the Committee efforts to control graft and corruption undertaken in his Department.

SECTION 5. Information Dissemination. – The individual Departments concerned shall be responsible for the conduct of education and information campaigns on public ethics in their respective offices with a view to enkindle public vigilance against graft and corruption and to solicit the participation of the public in this information campaign. The Committee shall assist these efforts by disseminating as wide as possible the overall government effort on public ethics, including the raising of consciousness and awareness in the government sector against graft and corruption.

SECTION 6. Involvement of Other Entities. – In the performance at its functions, the Committee may call upon appropriate agencies of government and involve relevant non-governmental organizations, private voluntary organizations or civic associations for assistance.

SECTION 7. Effectivity. – This Administrative Order shall take effect immediately.

Done in the City of Manila, this 15th day of May, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) JOKER P. ARROYO

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 26
AMENDING ADMINISTRATIVE ORDER NO. 6 CREATING THE NATIONAL ORGANIZING
COMMITTEE FOR THE THIRD ASEAN SUMMIT TO BE HELD IN MANILA ON 14-16
DECEMBER 1987

Administrative Order No. 6 is hereby amended to include the following as members of the Committee:

1. Hon. Catalino Macaraig, Jr.
Deputy Executive Secretary
2. Hon. Miguel Perez-Rubio
Chief Presidential Protocol Officer

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 28th day of May, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) JOKER P. ARROYO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT OF THE PHILIPPINES
MALACAÑANG

MALACAÑANG RECORDS OFFICE

ADMINISTRATIVE ORDER NO. 27

Based on the records available on file and in the possession of Malacañang Records Office, Administrative Order No. 27 of Presidential Issuances of Corazon C. Aquino was certified by their office as a reserved number and that no original copy of this issuance was forwarded and released to them.

Malacañang Records Office. (2016). *[Memorandum: certification and official count of Presidential Issuances]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 28
FINDING THE LATE ATTY. TITO R. CAÑEDO, JR., FORMER REGISTER OF DEEDS
OF AGUSAN DEL SUR, GUILTY OF GRAVE MISCONDUCT AND DISHONESTY
(ILLEGAL EXACTION).

This refers to the administrative case against Atty. Tito R. Cañedo, Jr., Register of Deeds of Agusan del Sur, for grave misconduct and dishonesty (illegal exaction).

Records show that the case arose from the telegram of Atty. Ceferino Paredes, Jr., Provincial Attorney of Agusan del Sur, dated March 13, 1978, informing the Land Registration Commission of certain acts of respondent consisting of, among others, the following:

- 1) Issuing several co-owner's copies of titles in his name, and using them in obtaining loans from several banks;
- 2) Illegally transferring unclaimed titles to certain persons, than subsequently transferring them to his name and using them as collateral in his business with Sea Commercial, Davao City;
- 3) Requiring transacting public to pay by money order payable to him for alleged processing fees without issuing official receipts;
- 4) Failure to comply with the mandatory provision requiring documentary and science stamps to be affixed to the documents in his office; and
- 5) Exacting from a certain registrant the amount of ₱1,000.00 for facilitating the registration of documents and issuance of the certificate of title.

The Acting Commissioner of Land Registration in an Assignment Order, dated March 20, 1978, directed Atty. Domingo Cristobal of the Commission to conduct a fact-finding investigation on the matters alleged in the aforesaid telegram of Atty. Paredes. Atty. Cristobal conducted a fact-finding investigation. In his written Report and Recommendations, he recommended as follows:

“In view of the foregoing circumstances and findings which undoubtedly provide clear and strong evidence to support the charges of Atty. Ceferino Paredes, Jr., against Register of Deeds Tito R. Cañedo, Jr., it is most respectfully recommended to the Honorable Acting Commissioner that formal administrative charges be filed immediately against Tito Cañedo, Jr. It is further recommended that certified zerox copies of all titles and documents involved in the case be forwarded this Commission and the original thereof on file in the Registry be safeguarded against tampering and loss. As an alternative, however, his resignation filed under Letter of Instruction No. 11, be recommended for acceptance to the President.”

Accordingly, the Acting Commissioner of Land Registration Commission filed the corresponding charges against Atty. Tito R. Cañedo, Jr., and directed the latter to explain within 72 hours from receipt of the communication why no administrative disciplinary action should be taken against him for grave misconduct, illegal exaction and dishonesty.

On May 11, 1978, the Acting Land Registration Commissioner received another letter for Atty. Ceferino Paredes, Jr., dated May 8, 1978, informing him that Atty. Tito R. Cañedo, Jr., had committed falsification of public documents in his official capacity as chief by causing the issuance of several certificates of title covering several parcels of land which comprised a substantial portion of Barangay Mate, San Francisco, Agusan del Sur without any lawfully issued patents upon which to base the issuance of the titles. The Acting Commissioner in his letter dated May 24, 1978, directed respondent to submit his answer to their charges.

Respondent Tito R. Cañedo, Jr., submitted his answers on June 17, 1978 and June 27, 1978, respectively, where he denied culpability by either shifting the blame to the witnesses against him or to his subordinates in the office and some personnel in the Bureau of Lands, or by denying having any knowledge and information sufficient to form a belief as to the truth of the allegations against him.

With the issues joined, an investigation was then conducted and, on August 20, 1980, the hearing officer found the respondent guilty of the following:

1. By issuing a second owner's duplicate of Transfer Certificate of Title No. T-2192 in the name of Tito R. Cañedo, Jr., without any order of the Court and knowing fully well that the first owner's duplicate of the same title is existing and is mortgaged to the Rural Bank of Bayugan, and thereafter, he mortgaged the second owner's duplicate to the Rural Bank of Talacogon;
2. By issuing a second owner's duplicate of Transfer Certificate of Title No. T-2758 without any order from the Court;
3. By registering three (3) Deeds of Transfer executed by the Rubis family in favor of Shirley Silva involving Transfer Certificates of Title Nos. 7957, 7955 and 7958 (without payment of the necessary documentary and science stamps taxes thereon); and
4. By demanding from registrant Lino Pa-alan the amount of ₱1,000.00 as consideration for facilitating the registration of his documents and issuance for his certificate of title."

The hearing officer recommended that the penalty of dismissal from the service be imposed on respondent.

The Acting Commissioner of Land Registration concurred in the above findings and recommended that respondent be found guilty of grave misconduct and dishonesty (illegal exaction) and penalized with dismissal from the service. Upon review, the Minister of Justice affirmed the findings and recommendation on respondent's guilt and dismissal from the service.

While this case was under consideration in this Office, respondent died on May 9, 1983. Consequently, his son, Atty. Tito Cañedo III, requested that the instant case be dropped to enable respondent's surviving heirs to avail of whatever benefits the deceased may be entitled under existing laws.

In our 2nd Indorsement to the Ministry (now Department) of Justice, dated April 29, 1986, for an updated comment and recommendation on the administrative case against respondent, Minister (now Secretary) Neptali A. Gonzales recommended that the case at bar be decided on the merits notwithstanding the death of the respondent on May 9, 1983, considering that the penalty of dismissal from the service as recommended by the Ministry in its 1st Indorsement, dated November 27, 1980, carries with it certain administrative disabilities affecting whatever benefits there may be accruing to

the heirs of the said respondent. The Justice Minister likewise reiterated his recommendation for the dismissal of the respondent from the service for the reasons set forth in his 1st Indorsement.

On the propriety of proceeding with the instant administrative case, considering that the respondent had died in the meantime, the Supreme Court has held that an administrative complaint should be resolved notwithstanding the death of the respondent during the pendency of the administrative case to the end that respondent's heirs may not be deprived of any retirement gratuity and other accrued benefits that they may be entitled to receive as a result of respondent's death in office, as against a possible forfeiture thereof should his guilt be established at the investigation. (*Hermosa vs. Paraiso*, Adm. Case No. P-189, February 14, 1975, 62 SCRA 361.)

We find no reversible error in the finding of the hearing officer, as subsequently concurred in by the Commissioner of Land Registration and the Minister of Justice. Absent any taint of irregularity, the findings of fact of the Land Registration Commission officials must be upheld, such officials being in a better position to consider and evaluate the evidence in the light of the authority vested in them by law. (*Ganitano vs. Secretary of Agriculture and Natural Resources et al*, L-21167, March 31, 1966, 16 SCRA 543, 546-547). Moreover, the records are replete with documentary and testimonial evidence which after a meticulous and circumspect evaluation conclusively sustain the findings of guilt of respondent.

The mere fact that respondent had been absolved from the criminal complaint against him based on the same set of facts due to the motion of the prosecuting fiscal to drop the case, did not necessarily absolve the respondent in the administrative case. The acquittal of an accused in a criminal case is no bar to his conviction in the administrative charges filed against him based on the same facts which failed to sustain conviction in the former, in view of their differences in objectives and the quantum of evidence required in each. (*Manikad et. al., vs. Tanodbayan, et. al.* L-65097, Feb.y 20, 1984, 127 SCRA 724, 729.)

In the case at bar, the hearing officer was so persuaded by the overwhelming documentary and testimonial evidence presented by the prosecution that he was constrained to conclude that the guilt of the respondent has been proven beyond reasonable doubt. Though, as aforesaid, in administrative cases it is enough that substantial evidence is obtained showing the culpability of the respondent. Substantial evidence is more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as evidence to support a conclusion. (*Ang Tibay vs. CIR*, 40 O.G. 7th Sup. 129.)

WHEREFORE, I hereby find the late Atty. Tito R. Cañedo, Jr., former Register of Deeds of Agusan del Sur, guilty of grave misconduct and dishonesty (illegal exaction). Accordingly, his heirs are disqualified from claiming retirement and other benefits under existing laws and regulations.

Done in the City of Manila, this 10th day of June, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 29

**CREATING A SPECIAL PRESIDENTIAL COMMITTEE ON THE PHILIPPINE VETERANS BANK
FOR THE REVIEW AND STUDY OF ITS PRESENT FINANCIAL CONDITION TO DETERMINE
THE FEASIBILITY OF ITS REHABILITATION.**

WHEREAS, the Philippine Veterans Bank was placed by the Central Bank of the Philippines under receivership on April 10, 1985, and subsequently under liquidation on June 15, 1985, due to insolvency;

WHEREAS, the Supreme Court, on March 26, 1987, issued a writ of preliminary injunction upon petition of the Philippine Veterans Bank Employees Union, et al, with the Veterans Federation of the Philippines as intervenor, enjoining, among other things, the respondents, Central Bank of the Philippines and the PVB Liquidator, from liquidating the said bank and from taking or pursuing any act or transaction in pursuance of such liquidation, including sales or other disposal of properties of whatever kind, or disbursing PVB funds;

WHEREAS, the veterans of World War II numbering about 437,000, who are the stockholders of the Philippine Veterans Bank by virtue of the provisions of Republic Act No. 3518, have been appealing for the rehabilitation of the said bank in any manner deemed feasible so that they may derive economic benefits therefrom in relation to their agricultural, industrial and other kind of business enterprises that depend on credit preferences available to them in the said bank;

WHEREAS, the Philippine Veterans Bank was chartered by the Congress of the Philippines under Republic Act No. 3518 in recognition of the patriotic services of the veterans of World War II;

WHEREAS, it is imperative that the financial condition of the Philippine Veterans Bank be looked into with a view to determining its financial condition and the feasibility of its rehabilitation;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, hereby create a Special Presidential Committee on the Philippine Veterans Bank composed of the following officials:

LEONARDO A. QUISUMBING	– Chairman
Undersecretary of National Defense for Civilian Relations	
VICTOR C. MACALINCAG	– Member
Undersecretary of Finance	
EMMANUEL V. DE OCAMPO	– Member
President, Veterans Federation of the Philippines	
Representative of the Central Bank of the Philippines	– Member
The Chairman, Board of Trustees, Veterans of World War II	– Member

The Committee shall conduct a full review and study of the present financial condition of the Philippine Veterans Bank to determine the feasibility of its rehabilitation. For this purpose, the Committee is authorized to call upon any officer of the said bank, the Department of Finance, the Central Bank of the

Philippines, and other offices or instrumentalities of the government for such assistance or information as it may need.

The Committee shall submit its report within sixty days from the date of this Order.

DONE in the City of Manila, this 10th day of July, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) JOKER P. ARROYO

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 30
DEFINING THE SYSTEMATIC APPROACH AND THE ADMINISTRATIVE FRAMEWORK
FOR THE GOVERNMENT'S PEACE EFFORTS

WHEREAS, the attainment of full and lasting peace is a primordial objective of government in order to lay the basic foundation for social justice, economic development and political stability;

WHEREAS, it is realized that peace is a basic condition for the attainment of prosperity as well as a means for making possible the achievement of individual and national aspirations;

WHEREAS, to attain the above objective it is necessary that all segments of society be mobilized to address systematically the present threats to peace and build the momentum for a sustained and successful peace effort;

WHEREAS, the successful realization of peace demands a wholistic approach that will require the combined and integrated efforts of the civilian government, the military and the citizenry as a whole;

WHEREAS, there is need to systematize the pursuit of peace as an organized process that will involve the mobilization of the various components of the whole society;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Scope. The systematic approach for the pursuit of peace, as well as the administrative framework for carrying out the peace process shall be governed by this Administrative Order.

SECTION 2. Major Elements of the Peace Effort. The systematic approach for the pursuit of peace as an organized effort shall have the following component elements:

- a. Formulation of a National Program for Peace. This will involve the identification and articulation of policies, programs, projects and other activities that are oriented towards contributing to the attainment of peace in particular as well as to the socio-economic and political development of the nation in general. Such Program shall include clarifying the process of integrating alienated communities into the national mainstream and defining a strategy for peace around which the nation can be mobilized.
- b. Negotiations and Dialogues. This will involve face-to-face discussions with groups that are threats to peace, designed to ascertain their grievances that will enable Government to formulate the necessary remedies.
- c. Program Implementation. This will involve, as a conscious process of the Government, the implementation and realization of various reforms, programs and projects intended to create a positive climate conducive to peace, particularly of those identified as having an immediate impact for the realization of peace. The national program for peace and the results of negotiations will serve as the combined medium for determining such impact programs as will be undertaken to further the cause of peace.
- d. Organized Support of Non-Government Groups. This will involve the realization of a systematic process for enlisting the cooperation and collaborative efforts of all groups in support of the pursuit of the Government's peace initiatives. This shall be directed towards getting the commitment of ordinary citizens as well as groups and associations

of citizens, such as the church, non-governmental organizations, and allied groups, to support the peace process. This would constitute a major means for developing and mobilizing a nationwide consensus for peace.

SECTION 3. Organization for the Peace Process. The administrative framework for carrying out the peace process shall be as follows:

- a. The Presidency. – The President shall provide the active leadership for the prosecution of the peace process. She shall, from time to time, enunciate the broad guidelines that will serve as the policy framework for the conduct of the Government's peace initiatives, as well as issue as necessary specific instructions and directives to carry out action programs designed to achieve peace.
- b. Office of the Peace Commissioner. – This Office shall be headed by a Peace Commissioner who shall be assisted by such staff as may be necessary. It shall have the following functions and responsibilities:
 1. Serve as staff to the President in coordinating the functions of the following offices: Office of the National Security Director, the Cabinet Secretariat, and Peace Negotiating Panels;
 2. Assist the President in providing the day-to-day management and direction of the peace efforts;
 3. Enlist, coordinate with, organize and mobilize a network of pro-peace citizen-groups (e. g. the church and civic, social, youth, religious and other organizations) for active involvement in the peace process; and
 4. Perform such other functions and exercise such delegated authorities as may be assigned by the President.
- c. Peace Negotiating Panels. – There shall be Peace Negotiating Panels which will perform the functions and responsibilities provided for in Section 2 (b) hereof, including the conduct of negotiations, dialogues and face-to-face discussions with groups that are threats to peace.
- d. Staff for Non-Government Organizations Liaison. – There shall be a Staff for Non-Government Organizations Liaison which shall perform the functions and responsibilities referred to in Section 2 (d) hereof, or to enlist the cooperation and collaborative efforts of all groups in support of the pursuit of the Government's peace initiatives, directed towards getting the commitment of ordinary citizens and non-government groups and associations such as the church and similar groups to support the peace process.

SECTION 4. Joint Executive-Legislative Peace Council. – There is hereby constituted a Joint Executive-Legislative Peace Council which shall serve as a consultative and coordinative body between the executive and legislative branches of the Government on fundamental issues relating to the attainment of full and lasting peace. It shall be composed of the following:

President of the Philippines	– Chairman
Peace Commissioner	– Vice-Chairman
Secretary of National Defense	– Member

Cabinet Secretary	– Member
Heads of the Peace Negotiating Panels	– Members
National Security Director	– Member
Two (2) Senators to be designated by the Senate President	– Members
Two (2) Congressmen to be designated by the Speaker of the House of Representatives	– Members

SECTION 5. Collaborative Efforts of the Military. – The peace process shall involve the collaborative efforts of the military and for this purpose, measures shall be taken to ensure the integration of military initiatives into the overall peace process.

SECTION 6. Funds. – Funds necessary for the implementation of this Administrative Order shall be taken from the Contingent Fund or any appropriate lump sum appropriations under the General Appropriations Act of 1987. Appropriations for succeeding years shall be incorporated in the budget proposals for Congressional action.

SECTION 7. Repealing Clause. – All previous administrative orders, memorandum orders and similar issuances inconsistent herewith are hereby repealed or modified accordingly.

SECTION 8. Effectivity. – This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 11th day of August, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) JOKER P. ARROYO

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACANANG
MANILA

ADMINISTRATIVE ORDER NO. 31

CONSIDERING ASSISTANT PROVINCIAL FISCAL SOFRONIO P. CAPAO OF CEBU CITY
DISMISSED FROM THE SERVICE FOR CAUSE.

This is an administrative case filed by Mrs. Adriana S. Miñoza against Assistant Provincial Fiscal Sofronio P. Capao of Cebu City for alleged bribery, grave misconduct, and malpractice. The charges were investigated by the Department of Justice.

The case stemmed from the criminal complaint for perjury filed by Atty. Ildefonso Suerte against herein complainant Adriana S. Miñoza in this administrative case. After conducting preliminary investigation, respondent fiscal filed the corresponding information with the Court of First Instance (now Regional Trial Court) of Cebu.

In her complaint, Miñoza alleged that, prior to the initial hearing of the criminal case on March 28, 1973, she went to respondent's office upon the latter's invitation on March 16 and 27, 1973. During those meetings, respondent allegedly intimated that he would arrange for the dismissal of the perjury case against herein complainant and asked her to prepare ₱250 to be given to Fiscal Medida "as a sort of pasalubong because he (would) also sign the papers of the amicable settlements." Complainant further averred that respondent connived with Atty. Suerte in conducting the investigation of the fabricated charges against her. To substantiate her allegations, she submitted a carbon copy of her sworn statement given before the Philippine Constabulary, Cebu City, on April 17, 1973.

In his answer, dated June 13, 1973, respondent denied having demanded money from the complainant in exchange for his working out the dismissal of the perjury case. He alleged that it was complainant who expressed her desire to have the case settled amicably, but that he advised her that this was no longer possible, as it has been filed in court, the best thing she could do being to make arrangements with Atty. Suerte. In support thereof, respondent presented Atty. Suerte's sworn statement that it was Miñoza who was interested in settling the case.

Respondent further averred that he filed the information for perjury against complainant not for any ulterior motive but because he was convinced that there was a prima facie case against her. According to respondent, Miñoza filed the instant administrative case out of revenge and to force him into desisting from further prosecuting the perjury case against her.

After due investigation, the Department of Justice found respondent guilty of grave misconduct. The Justice Department was convinced that respondent, who appears to have given moral support to Atty. Suerte in the filing of the perjury complaint and other cases against Miñoza, really demanded money from her in consideration of the eventual dismissal of the perjury case. It noted that, while it could be unlikely that the prosecution was interested in dismissing the case, it would become likely in view of the apparent weakness of the case against Miñoza. The Justice Department did not give credence to the above-mentioned sworn statement of Atty. Suerte whose integrity it found to be not exactly above board, as evidenced by his filing of a grave slander case against Miñoza who was exonerated therefrom upon the finding that she was not present at the time and place of the alleged crime and for want of allegation of malice in the information or proof thereof during the trial.

Consequently, in his letter to this Office, dated January 22, 1974, the Secretary of Justice reiterated the acceptance of respondent's resignation, which he had previously twice recommended on March 21,

1973, and January 9, 1974, following his conviction in the administrative case filed against him by Atty. Florito Mangubat.

Upon referral of subject case for updated comment and recommendation on September 23, 1985, the Justice Department informed this Office in a 2nd Indorsement, dated November 20, 1985, that respondent had been separated from the government service on September 20, 1975, after his resignation was accepted by then President Marcos.

Since respondent is no longer connected with the government in any capacity whatsoever, his official ties therewith having been completely severed with the acceptance of his resignation, it would seem at first blush that the instant administrative case against him has become moot and academic. Thus:

“As an administrative proceeding is predicated on the holding of an office or position in the government and there being no doubt as to the resignation of respondent Judge having been accepted as of August 31, 1967, there is nothing to stand in the way of the dismissal prayed for.” (*Diamalon vs. Quintillan*, Adm. Case No. 116, Aug. 29, 1969, 29 SCRA 347; See also *Castillo vs. Barsana*, Adm. Matter No. 77-MJ, May 16, 1975, 64 SCRA 47; *Secretary of Justice vs. Catolico*, Adm. Matter No. 625-CFI, Nov. 18, 1975, 68 SCRA 62).

However, the better and more recent rule is that which was pointed out in the later case of *People vs. Valenzuela* (L-63950-60 April 19, 1985, 135 SCRA 712), citing *Perez vs. Abiera* (Adm. Case No. 223-J, June 11, 1975, 64 SCRA 302), to the effect that the doctrinaire pronouncement in the *Diamalon vs. Quintillan* case is not to be applied with undeviating rigidity, considering that:

“... It was not the intent of the Court in the case of *Quintillan* to set down a hard and fast rule that the resignation or retirement of a respondent judge as the case may be renders moot and academic the administrative case pending against him; nor did the Court mean to divest itself of jurisdiction to impose certain penalties short of dismissal from the government service should there be a finding of guilt on the basis of the evidence. In other words, the jurisdiction that was Ours at the time of the filing of the administrative complaint was not lost by the mere fact that the respondent public official had ceased to be in office during the pendency of his case. The Court retains its jurisdiction either to pronounce the respondent official innocent of the charges or declare him guilty thereof. A contrary rule would be fraught with injustices and pregnant with dreadful and dangerous implications. For what remedy would the people have against a judge or any other public official who resorts to wrongful and illegal conduct during his last days in office? What would prevent some corrupt and unscrupulous magistrate from committing abuses and other condemnable acts knowing fully well that he would soon be beyond the pale of the law and immune to all administrative penalties? If only for reasons of public policy, this Court must assert and maintain its jurisdiction over members of the judiciary and other officials under its supervision and control for acts performed in office which are inimical to the service and prejudicial to the interests of litigants and the general public. If innocent, respondent official merits vindication of his name and integrity as he leaves the government which he served well and faithfully; if guilty, he

deserves to receive the corresponding censure and penalty proper and imposable under the situation.” (Emphasis added.)

After a careful review of the case, I concur in the findings of the Department of Justice that respondent fiscal is guilty of grave misconduct.

WHEREFORE, Assistant Provincial Fiscal Sofronio P. Capao of Cebu City is hereby considered dismissed from the service for cause, effective as of the date of the acceptance of his resignation, and is hereby ordered to refund to the government whatever retirement and other benefits he had received, if any, the right to which he lost by virtue of his being considered dismissed from the service for cause.

Done in the City of Manila, this 25th day of August, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) JOKER P. ARROYO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 32

**AUTHORIZING THE PIONEER INTERCONTINENTAL INSURANCE CORPORATION
TO BECOME A SURETY UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS
AND UNDERTAKINGS**

WHEREAS, Section 1 of Act. No. 536, as amended by Act No. 2206, provides that whenever any recognizances, stipulations, bonds or undertakings conditioned for the faithful performance of any duty or of any contract made with any public authority national, provincial, municipal or otherwise or of any undertaking, or for doing or refraining from doing anything in such recognizances, stipulations, bonds or undertakings specified in by the laws of the Philippines, or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by incorporation organized under the law of the Philippines, having power to guarantee the fidelity of persons holding positions of public and private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the PIONEER INTERCONTINENTAL INSURANCE CORPORATION, is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills and complies with the conditions prescribed by said Act 536, as amended;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the Pioneer Intercontinental Insurance Corporation, to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and in such conditions as provided by law, subject to the condition that the total amount of Immigration Bond that it may issue shall not, at any time, exceed the admitted assets.

Done in the City of Manila, this 25th day of August, in the year of our Lord, Nineteen Hundred and Eigthy-Seven.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) JOKER P. ARROYO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 33

PRESCRIBING GUIDELINES FOR THE INSURANCE OF ALL PROPERTIES, CONTRACTS, RIGHTS OF ACTION AND OTHER INSURANCE RISKS OF THE GOVERNMENT, INCLUDING THOSE IN WHICH THE GOVERNMENT HAS AN INSURABLE INTEREST, WITH THE GENERAL INSURANCE FUND OF THE GOVERNMENT SERVICE INSURANCE SYSTEM.

WHEREAS, under Republic Act No. 656, as amended, the Government, except a municipal government below first class, is required to insure its properties with the General Insurance Fund against any insurable risk;

WHEREAS, notwithstanding the said requirement, there are still properties owned by government agencies and their subsidiaries which are not insured with the General Insurance Fund; or which are insured with private insurance companies; or which, while covered by the Fund, are not insured adequately.

WHEREAS, the aforesaid practices deny the government agencies adequate and reliable protection against any damage to, or loss of their properties and deprive the General Insurance Fund of substantial premium income that should have formed part of the Fund;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. All heads of departments, commissions, boards, bureaus, offices of the national and local governments concerned except municipal governments below first class, government-owned and/or controlled corporations, subsidiaries and acquired asset corporations shall secure from the General Insurance Fund directly, all insurances or bonds covering properties, contracts, rights of action and other insurable risks of their respective offices, including all those in which their respective offices have an insurable risk and all those in which they have an insurable interest only. For this purpose, no insurance agent or general agent shall hereafter be appointed or maintained to represent the General Insurance Fund and/or the Government Service Insurance System.

As used in this section, “insurable interest” means every interest in property, whether real or personal, or any relation thereto, or liability in respect thereof, of such nature that a contemplated peril might directly damnify the insured. Accordingly, the insurable interest of government parent, subsidiary and acquired asset corporations, including government financial institutions, as these corporations are defined in Presidential Decree No. 2029, shall also extend to their physical assets which by declared policy of the government are required to be privatized.

SECTION 2. The officials mentioned in Section 1 hereof shall submit not later than September 30, 1987 an updated inventory of all the insurable properties of their respective offices to the General Insurance Fund on forms prescribed by the Government Service Insurance System.

SECTION 3. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 25th day of August, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President
(Sgd.) JOKER P. ARROYO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACANANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 34
SUSPENDING MR. JOSUE C. GASPAR FROM OFFICE AS ASSISTANT PROVINCIAL FISCAL
OF NUEVA ECIIJA.

This refers to the administrative complaint filed by Mrs. Juana Rimando de Calix against Nueva Ecija Assistant Provincial Fiscal Josue C. Gaspar for grave misconduct, ignorance of the law and inefficiency.

Sometime in 1975, complainant bought an irrigation pump set under a financing arrangement with the Development Bank of the Philippines. On May 24, 1976, she entered into an agreement with one Eduardo Viernes whereby the latter undertook to apply with the bank for the transfer of her rights and to assume all her loan accountabilities. Without filing the agreed application and without complainant's knowledge and consent, Viernes took the irrigation pump set and sold it. With the assistance of the Integrated National Police, complainant was able to trace and find the irrigation engine in the possession of Francisco Pascual and, with Pascual's consent, recovered possession of the engine.

On April 27, 1977, she filed a criminal complaint for estafa (I.S. No. 19-G-77) against Viernes and Santiago Manangkil with the Provincial Fiscal's Branch Office at Guimba, Nueva Ecija. In the course of the preliminary investigation, respondent, as the investigating fiscal, ordered complainant to bring the engine to the fiscal's office, which she did on October 4, 1977. On November 7, 1977, respondent released the engine to Pascual upon the latter's request, prompting complainant to charge respondent with grave misconduct, ignorance of the law and inefficiency for (a) his failure to resolve her complaint for estafa as of the date of her administrative complaint and within the period prescribed under Presidential Decree No. 911, and (b) releasing the engine to Pascual even during the pendency of the preliminary investigation.

Respondent denied the charges and claimed that he had resolved the criminal complaint "as of November 3, 1978", and recommended the filing of the corresponding information. Respondent further averred that he ordered the release of the engine to Pascual out of compassion to save the latter's standing crop and prevent the destruction of the engine by disuse.

After due investigation, or on October 22, 1980, the then Ministry (now Department) of Justice found respondent guilty of the charges and recommended that he be suspended from office for one (1) month without pay. The then Deputy Minister (now Undersecretary) of Justice reiterated the foregoing recommendation in his letter of December 6, 1986.

After a review of the case, we concur in the findings and recommendation of the Justice Department. There is no question that the complaint for estafa was filed on April 27, 1977, and resolved, per respondent's admission, only on November 3, 1978, or after the lapse of approximately one (1) year and seven (7) months after its filing. Clearly therefore, the case was resolved way beyond the period prescribed by Presidential Decree No. 911. Respondent, however, maintains that the delay was neither wilful nor deliberate but was caused by his efforts to identify and have the vital witness (referring to Pascual) testify, by the absence of his stenographer, and by work overload. The engine

was released to Pascual on November 7, 1977. Obviously, Pascual must have appeared and testified at the preliminary investigation prior thereto, thus completing complainant's evidence. And yet, it took respondent almost a year thereafter to resolved the case.

Lack of personnel and work overload may constitute a plausible justification for a reasonable period of delay, but certainly not for a period of almost one (1) year and seven (7) months. The delay in the resolution of the case may not have been wilfull or deliberate as claimed by respondent, but the stubborn fact remains that there was an unwarranted delay attributable to no other than respondent's fault or negligence.

Respondent disputes the allegations that it was complainant alone who brought the engine to his office and asserts that she was accompanied by Pascual. We are more inclined to believe complainant's allegation. The engine was then in the factual and legal possession of complainant, and respondent knew for a fact that it was the very same engine that was the subject of the estafa complaint. While respondent had the authority to release the engine for good and valid reasons, such authority involved the exercise of proper discretion. The engine should have been released to complainant who had the legal title or, at least, a better claim thereto. Respondent's release of the engine in effect divested complainant, who had the legal title or better claim to its possession, and transferred that possession to one who had not established his claim or right thereto. Complainant's title or better right to the engine, already demonstrated by the evidence presented, was in fact recognized in the respondent's ultimate finding of a prima facie case for estafa. The release of the engine to Pascual by respondent was an improper exercise of discretion and cannot be sanctioned by the supposed "humanitarian" and "practical" reasons claimed by respondent. Humanitarian reasons must be applied not just to one party but to all parties. Practical reasons cannot sanction what is illegal.

WHEREFORE, and as recommended by the Secretary of Justice, Mr. Josue C. Gaspar is hereby suspended from office as Assistant Provincial Fiscal of Nueva Ecija for one (1) month without pay, effective upon receipt of a copy of this Order.

Done in the City of Manila this 21st day of September, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 35
SUSPENDING MR. MANOLITO C. ESPINO FROM OFFICE AS ASSISTANT PROVINCIAL
FISCAL OF RIZAL.

This refers to the administrative complaint filed by Genaro Caballegan and Elsa Gelito against Rizal Assistant Provincial Fiscal Manolito C. Espino for negligence, in-action and acts inimical to public interest.

Complainants' administrative complaint revolves mainly on the failure of Fiscal Espino to resolve I.S. No. 77-9877 for more than one year, which complaint was filed on September 5, 1977, against Angelo Leynes, et al., for trespass to dwelling, theft, damage to property, grave coercion, usurpation of public function and violation of Presidential Decree No. 20.

In his answer, Fiscal Espino did not dispute that he failed to resolve the case within one year as alleged by complainants. In fact, in a subsequent letter-explanation, dated December 22, 1980, the said Fiscal admitted that he resolved I.S. No. 77-9877 only on December 29, 1979, or after a lapse of more than two (2) years from the date the same was filed. He explained, however, that the delay was caused by the volume of work consisting of preliminary investigations in the morning and hearings before the court in the afternoon, coupled with the task of conducting ocular inspections in some cases; by his lack of stenographer and typewriter, which hampered the resolution of cases investigated by him; and, with respect to I.S. No. 77-9877, by the fact that he was waiting for the respective memoranda of the parties, which the latter manifested they would submit after the clarificatory investigation.

On December 9, 1981, the then Minister (now Secretary) of Justice recommended that respondent be suspended for fifteen (15) days without pay. On December 9, 1986, the then Deputy Minister (now Undersecretary) of Justice reiterated the foregoing recommendation.

WHEREFORE, and as recommended by the Secretary of Justice, in which I fully concur, Mr. Manolito C. Espino is hereby suspended from office as Assistant Provincial Fiscal of Rizal for a period of fifteen (15) days without pay, effective upon receipt of a copy of this Order.

Done in the City of Manila, this 21st day of September, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) **CORAZON C. AQUINO**

By the President:
(Sgd.) **CATALINO MACARAIG, JR.**
Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 36
PROVIDING FOR THE ESTABLISHMENT OF REGIONAL OFFICES IN THE CORDILLERA
ADMINISTRATIVE REGION

WHEREAS, Executive Order No. 220 dated July 15, 1987 created the Cordillera Administrative Region (CAR) out of the provinces of Abra, Mt. Province and Benguet, together with the chartered city of Baguio, which had comprised part of Region I and the provinces of Ifugao and Kalinga-Apayao which had comprised part of Region II;

WHEREAS, the Order justified the creation of the separate and common region for the Cordilleras as a measure to accelerate the economic and social growth and development of the units in the region;

WHEREAS, the Order also pointed out that national security and public order interest has made the immediate reorganization of the existing administrative structure in the Cordilleras an urgent need;

WHEREAS, pursuant to the Order the departments and other agencies of the National Government should now establish immediately their regional offices which shall have exclusive jurisdiction over the territorial coverage of the CAR;

NOW, THEREFORE, it is hereby directed that the following measures be undertaken:

SECTION 1. Establishment of Regional Offices in CAR. The various departments and other agencies of the National Government that are currently authorized to maintain regional offices are hereby directed to establish forthwith their respective regional offices in the Cordillera Administrative Region with territorial coverage as defined under Section 2 of Executive Order No. 220 dated July 15, 1987, with regional headquarters at Baguio City.

SECTION 2. Appointment of Regional Offices' Personnel. The Regional Directors shall be appointed immediately to facilitate the organization of the Regional Offices. In keeping with the spirit and intent of E.O. 220, preference shall be given to qualified natives of the Cordilleras in the appointment of the Regional Directors and their staff.

SECTION 3. Additional Funding. Such additional funding as may be necessary to establish the Regional Offices as hereinabove prescribed shall be provided from any applicable items in the General Appropriations Act as may be determined by the Secretary of Budget and Management.

SECTION 4. Repealing Clause. All previous administrative orders, memorandum orders and similar issuances inconsistent herewith are hereby repealed or modified accordingly.

SECTION 5. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 23rd day of September, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Acting Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 37

IMPOSING A FINE ON CORAZON B. MARCOS, FORMER CHAIRMAN OF THE TARIFF COMMISSION, EQUIVALENT TO HER THREE (3) MONTHS' SALARY TO BE DEDUCTED FROM WHATEVER RETIREMENT AND OTHER BENEFITS SHE MAY RECEIVE FROM THE GOVERNMENT.

This refers to the administrative case filed by Ms. Herminia J. Tayco, Special Assistant to the Chairman of the Tariff Commission, against Ms. Corazon B. Marcos, then Acting (later regular) Chairman of the said Commission, for “grave abuse of authority, oppression and conduct unbecoming” of an official arising from respondent’s refusal to pay the former’s salaries as such Special Assistant, notwithstanding the decisions of the Civil Service Commission (CSC), and the Office of the President, and, as updated by complainant’s subsequent letters and as later particularized, from respondent’s continued refusal to pay said salaries despite the decisions/orders of the Office of the President, the CSC, the National Economic and Development Authority (NEDA), the Budget Commission, Commission on Audit (COA), and the Minister of Justice, all upholding the validity of such complainant’s appointment and directing the payment of her salaries.

The complaint, dated December 26, 1974, was filed with the NEDA to which the Tariff Commission was attached. NEDA indorsed it to this Office on April 12, 1976. On February 22, 1977, this Office required the respondent to submit her answer to the complaint within seventy-two (72) hours. No compliance with this order is shown by the record of the case.

On January 17, 1983, this Office required the complainant to “make statement of particulars and/or specifications of the charges” to enable it “to arrive at an intelligent decision or take appropriate action on the case.” The record is bare on complainant’s compliance with this order.

In 1986, this Office received letters from the complainant, dated March 12, April 7, 16, and 23, 1986, all expressing her relentless pursuit of the case. Likewise, this Office received a communication from the new Chairman of the Tariff Commission, Chula J. Alarcon, dated April 28, 1986, seeking information on the status of the case in order that the Commission could act on the application of the respondent who resigned as Chairman of the Commission, effective April 16, 1986, “for administrative clearance as a requirement for her retirement benefits x x x.”

In view thereof, and considering that the complainant and the respondent have not yet complied with the aforesaid orders of February 22, 1977 and January 17, 1983, respectively, this Office, on June 25, 1986, directed the complainant to submit verified specifications of her charges and the respondent to file a verified answer thereto.

Briefly, complainant’s charges, as particularized, are based on respondent’s refusal to pay her salaries as Special Assistant to the Chairman of the Tariff Commission, notwithstanding the decision of this Office confirming the authority of Tariff Commission Chairman Razon T. Haresco to issue her appointment as such Special Assistant and the decisions Of the CSC upholding the validity of her said appointment and dismissing the protest of Rosalia A. Saldaña against her appointment; on respondent’s continued refusal to pay her said salaries, to act on her GSIS loan and on her request for payment of her MEDICARE premiums, despite the directives of the NEDA and this Office for payment of her salaries as such Special Assistant; on respondent’s subsequent act of revoking her appointment

and considering her position as vacant; on respondent's act of proposing for the abolition of her item after failing to invalidate her appointment; on respondent's act of withholding from Chairman Haresco the directives of the Budget Commissioner and this Office directing the payment of her salaries, and of disclaiming knowledge of such directives and refusing to act on her salary vouchers; on respondent's determined effort to cause the nullification of her appointment, notwithstanding decisions of appropriate government agencies upholding its validity; on respondent's act of requesting General Fabian C. Ver for a thorough and immediate investigation of all officials and employees who caused the issuance of her appointment and payment of her salaries; on respondent's act of requesting her recall and questioning her services from February 17, 1975 (the effective date stated in Special Order No. 9 terminating her detail) although said Order No. 9 was issued only on March 11, 1975 and she received it only on March 17, 1975; on respondent's act of issuing Office Order No. 6-A dated February 17, 1975 or while she was still on detail at the Development Management Staff (Malacañang), assigning her to the Office of the Executive Director and requiring her to use the bundy clock although personnel of lower rank were not required to do the same; and on respondent's act of questioning the directive of Chairman Manuel L. Alba directing the Cashier of the Tariff Commission to pay her accumulated salaries. All these acts of the respondent, so complainant asserts, show harassment, oppression, and vindictiveness on the part of the respondent, done in wanton disregard of her rights and in gross and evident bad faith utilizing the powers of her office and her affinity with then President Marcos, with clear malice and obvious intent to cause damage and prejudice to her. To further support her charges, complainant submitted a copy of the decision of the then Court of First Instance of Quezon City (Branch IX) in Civil Case No. Q-20481, ordering respondent to pay moral and exemplary damages, among others.

Respondent, in her answer, interposed the defense of good faith and honesty in her belief on the nullity of complainant's appointment and that she was just overzealous in protecting the people's money.

After the submission of the above-required pleadings, this Office created a Committee under Memorandum Order No. 41, dated September 25, 1986, to investigate the charges of the complainant against the respondent.

During the November 6, 1986 hearing, respondent presented a Motion to Dismiss, dated October 29, 1986, anchored on the grounds (a) that the case has been rendered moot and academic by the acceptance by the President of respondent's resignation, effective April 16, 1986; and (b) that this Office has lost jurisdiction over the person of the respondent. The Committee, however, deferred the resolution of said motion until the reception of evidence, and allowed the complainant to file a written opposition thereto, which she did, and required the parties to submit their evidence, in addition to those already filed with this Office. The additional evidence being all documentary, the parties agreed to submit them together with their respective position papers/memoranda, after which the case shall be deemed submitted for decision.

The Report of the Committee, insofar as pertinent, reads as follows:

“Respondent, in seeking the dismissal of the case based on the acceptance by the President of her resignation as Chairman of the Tariff Commission effective April 16, 1986 – which, according to her, rendered the case moot and academic and deprives this Office of jurisdiction over the person – relies upon the case of Diamalon vs. Quintillan (Adm. Case No. 116, August 29, 1969 SCRA 347) wherein the Supreme Court ruled that an administrative proceeding against a judge may be dismissed after the judge's resignation has been accepted by the

President during the pendency of the case, because an administrative proceeding is predicated on the holding by the respondent of an office or position in the Government (at p. 350). This ruling, however, was explained and modified, if not superseded, by the subsequent cases of Perez vs. Abiera (Adm. Case No. 223-J, June 11, 1975, 64 SCRA 302); Pesole vs. Rodriguez (Adm. Case No. 755-MJ, January 31, 1978, 81 SCRA 208); and People vs. Valenzuela (L-63950-60, April 19, 1985, 135, SCRA 712).

“In explaining the Quintillan ruling and in disposing Judge Abiera’s theory of mootness and lack of jurisdiction similar to that of respondent’s in this case, the Supreme Court said:

‘It was not the intent of the Court in the case of Quintillan to set down a hard and fast rule that the resignation or retirement of a respondent judge as the case may be renders moot and academic the administrative case pending against him; nor did the Court mean to divest itself of jurisdiction to impose certain penalties short of dismissal from the government service should there be a finding of guilt on the basis of the evidence. In other words, the jurisdiction that was ours at the time of the filing of the administrative complaint was not lost by the mere fact that the respondent public official had ceased to be in office during the pendency of his case. The Court retains its jurisdiction either to pronounce the respondent public officials innocent of the charges or declares him guilty thereof. A contrary rule would be fraught with injustices and pregnant with dreadful and dangerous implications. For what remedy would the people have against a judge or any other public official who resorts to wrongful and illegal conduct during his last days in office? What would prevent some corrupt and unscrupulous magistrate from committing abuses and other condemnable acts knowing fully well that he would soon be beyond the pale of the law and immune to all administrative penalties? x x x. If innocent, respondent official merits vindication of his name and integrity as he leaves the government which he served well and faithfully; if guilty, he deserves to receive the corresponding censure and a penalty proper and imposable under the situation.” (Perez vs. Abiera, supra, at pp. 306-307; Pesole vs. Rodriguez, supra, at p. 211; People vs. Valenzuela, at p. 718; Underscoring supplied.)

“Thus, notwithstanding the retirement of Judge Abiera shortly after the filing of the administrative case against him, the Supreme Court required him to answer the complaint and the case investigated and finding him guilty of serious misconduct in office, imposed upon him a fine equivalent to three (3) months salary, deductible from whatever retirement benefits he is entitled to and will receive from the government. (Perez vs. Abiera, supra, at pp. 109-110). Likewise, an administrative case against a municipal judge was pursued and investigated notwithstanding his compulsory retirement (Rañeses vs. Tomines, Adm. Matter No. 518-MJ, May 28, 1974, 57 SCRA 94; Daily Papa vs. Almora, Adm. Matter No. 543-MC & 1525-MJ, Dec. 19, 1981, 110 SCRA 376) and even after the death of the respondent official (Hermosa vs. Paraiso, Adm. Case No. P-189,

February 14, 1975, 62 SCRA 361), if only to determine if his heirs are entitled to retirement benefits on account of such death which are deemed forfeited in the event that his guilt is established at the investigation. (Ibid, at p. 362.)

“Indeed-

‘the cessation from office of a respondent judge either because of resignation, retirement or some other similar cause does not per se warrant the dismissal of an administrative complaint which was filed against him while still in the service. Each case is to be resolved in the context of the circumstances present thereat.’ (Perez vs. Abiera, supra, at p. 308; Underscoring supplied.)

But before we examine the facts of this case to determine if circumstances warranting its dismissal exist, we must first dispose of respondent’s theory of double jeopardy invoked by respondent in her motion to dismiss, albeit the opening paragraph of said motion indicates that the same is based only on two (2) grounds, namely: (a) mootness, and (b) jurisdiction.

“Respondent’s theory of double jeopardy proceeds from her characterization of her resignation as ‘forced resignation’ and is, therefore, a penalty within the meaning of CSC Memorandum Circular No. 8, series of 1970, prescribing guidelines in the application of penalties in administrative cases and other matters relative thereto. She argues that, since such penalty of ‘forced resignation’ was imposed by the acceptance of her resignation by the President without imposing therein any condition adversely affecting her right to enjoy benefits, she should be allowed to enjoy retirement and other benefits due her under existing laws, because ‘forced resignation’ as a penalty under MC No. 8, supra, may or may not contain condition with respect to the enjoyment of benefits or reinstatement or reemployment.

“The urgency of the need to dispose of this case expeditiously was precisely precipitated by respondent’s application for retirement benefits. If the acceptance by the President of her resignation was in fact an imposition of the penalty of ‘forced resignation’ as respondent now contends, there would be no legal basis for the payment of retirement benefits to her, for, contrary to her allegation, the very CSC MC No. 8 invoked by her mandates the forfeiture of her retirement benefits as Clause 111(2) thereof reads as follows:

‘2. The penalty of forced resignation shall carry with it that of forfeiture of leave credits and retirement benefits, and the disqualification for employment in the government service for a period of one year. However, where the resignation contains conditions or disqualification regarding reemployment in a class of position, the respondent shall be disqualified for reemployment in such position.’ (Underscoring supplied.)

This must however be read in relation to the provision invoked by respondent, namely Clause VII (1, 2), MC No. 8, supra, providing that ‘the penalty of forced-resignation’ carries with it the forfeiture of leave credits and retirement benefits

and disqualification for employment in the government service unless otherwise provided therein. So that, in the absence of such qualification, the penalty of ‘forced resignation’ shall be deemed to include forfeiture of retirement benefits, among others.

“Clause III (2) and Clause VII (.2.) may be restated thus: the penalty of ‘forced resignation’ carries with it the forfeiture of leave credits and retirement benefits and disqualification for employment in the government service unless otherwise provided therein. So that, in the absence of such qualification, the penalty of ‘forced resignation’ shall be deemed to include forfeiture of retirement benefits, among others.

“As admitted by respondent, the President’s acceptance of her resignation does not contain a condition that she shall enjoy retirement benefits. Hence, the same shall be deemed to carry with it the forfeiture of her retirement benefits.

“This is so because ‘forced resignation’ is the same as ‘considered resigned’ as explicitly admitted by respondent when she invoked Opinion No. 50, series of 1977, of the Minister of Justice relative to the cases of officers and employees ‘purged’ or ‘considered resigned’ in September 1975 whose petitions for reinstatement or for reconsideration of the acceptance of their resignations were then pending before the Appeals Committee created under Administrative Order No. 370, series of 1975, as shown by the portion of the opinion quoted in respondent’s motion to dismiss. And the penalty of ‘considered resigned’ has been construed by no less than the Supreme Court as dismissal for cause with forfeiture of retirement benefits (*Aquino vs. General Manager, GSIS*, L-24859, January 31, 1968, 22 SCRA 415). It was in recognition of the disabilities inherent in the penalty of ‘forced resignation’ or ‘considered resigned’ that then President Ferdinand E. Marcos, in order to remove such disabilities issued Letter of Instructions No. 647, dated December 27, 1977, granting executive clemency to those officers and employees ‘purged in September 1975 who were not recommended for reinstatement by the Appeals Committee, so that they may be allowed to be reemployed in the government (par. 1) and, with respect to those who cannot be reinstated or reemployed for any reason, to retire and receive retirement and other benefits granted by law (par. 2).

“And Section 4 of PD 1146 (Revised GSIS Charter) as amended by PD 1981, provides that a government officer or employee-member of the GSIS who is separated for cause or considered resigned automatically forfeits whatever benefits that shall have accrued or been earned at the time of separation.

“However, as our duty here is to render justice, we cannot seize this opportunity to pin down the respondent on the basis of her misapprehension of the true character of her separation from the service and of the rule (CSC No. 8, *supra*) she invokes. We must decide the case on the basis of the law applicable and of the true facts of the case.

“Not much reliance can we place on CSC MC No. 8, series of 1970, even if we assume its continued operation (it was issued to implement the provisions on discipline of R.A. 2260, as amended by R.A. 4380 and 6040) notwithstanding the promulgation of Presidential Decree No. 807, otherwise known as the ‘Civil

Service Decree of the Philippines’, on October 6, 1975 (or before the filing of the instant case on December 27, 1974) because it must be deemed consistent with the subsequent law, particularly P.D. 807, and the provisions of the latter law on discipline are applicable only in ‘Administrative Cases Against Non-Presidential Appointees’ (Sec. 38, P.D. 807); hence, inapplicable to respondent being a presidential appointee.

“And we cannot go along with respondent’s characterization of her separation from the service as ‘forced resignation’. It was a voluntary act, a courtesy resignation usually tendered by raking government officials whenever a new administration comes into power. Respondent herself so described it in her resignation letter dated February 26, 1986 in this clear language: ‘To pave the way for the reorganization of the government on account of the assumption to office by the President, I have the honor to tender my resignation as Chairman of the Tariff Commission.’

“‘Courtesy resignation’ has never been characterized in this jurisdiction as a ‘forced resignation’. Neither the acceptance thereof considered as an imposition of the penalty of ‘forced resignation’. It has always been considered as a voluntary act done by key officials in the government in the interest of the nation and of good government, to give the new leadership a free hand in running the affairs of the government.

“There is, therefore, no basis for respondent’s invocation of the rule on double jeopardy as the acceptance by the President of her courtesy resignation is, in no proper sense, an imposition of the penalty of ‘forced resignation’. Hence, such acceptance, by itself alone, cannot deprive her of whatever benefits due her under existing laws.

“Moreover, double jeopardy applies only in criminal cases (see: Rule 117, Sec. 9, Rules of Court; Art. IV, Sec. 22, 1973 Constitution; Art. 11, Sec. 21, 1987 Constitution). Pascual, Jr. vs. Board of Medical Examiners (L-25018, May 26, 1969, 28 SCRA 344) invoked by respondent, is wholly inapplicable to the instant case as it involves the self-incrimination clause (not double jeopardy rule) in that petitioner therein was being compelled to testify against himself (so also in the case cited therein, namely: Cabal vs. Kapunan, 6 SCRA 1059) and the administrative proceeding therein involves the imposition of sanction, criminal or penal in character (see: Pascual vs. Board of Medical Examiners, supra, at p. 348), namely the revocation of Pascual’s license as medical practitioner, and in the Cabal case the forfeiture of properties under the Anti-Graft and Corrupt Practices Act. (Ibid.).

“The instant case possesses no criminal or penal aspect, but is an ordinary administrative disciplinary proceeding involving only, if the circumstances so warrant, the suspension or dismissal of the respondent from public office (and the other administrative disabilities inherent thereto) which is a public trust (Santos vs. Secretary of Labor, L-21524, Feb. 27, 1968, 22 SCRA 848, 450; Morfe vs. Mutuc, L-20387, Jan. 31, 1968, 22 SCRA 424, 432; Art. XIII, Sec. I, 1973 Constitution; Art. XI, Sec. 1, 1987 Constitution) from which no vested right can arise (Segovia vs. Noel, No. 23226, March 4, 1925, 47 Phil. 543, 547) and the holder thereof

may be removed the moment he loses the faith and trust of the public or the moment he fails to serve (them) with the highest degree of responsibility, integrity, loyalty, and efficiency' (Art. XIII, Sec. 1, 1973 Constitution), or in the language of the 1987 Constitution (Art. XI, Sec. 1) to 'serve them with utmost responsibility, integrity, loyalty and efficiency, act with patriotism and justice, and lead modest (life)' because it is required that he 'must at all times be accountable to the people.' (Ibid; see also: Art. XII, Sec. 1, 1973 Constitution.)

"Respondent, in her **REPLY TO COMPLAINANT'S OPPOSITION TO DISMISS**, dated December 15, 1986, also seeks dismissal of the instant case on the ground that this Office, per 5th Indorsement of then Presidential Assistant Juan C. Tuvera, dated January 31, 1977, had long considered this case 'closed'. For a full appreciation and clarity, we quote hereunder the said Tuvera 5th Indorsement as follows:

'Respectfully returned, through the Honorable, the Director General, National Economic and Development Authority, to the Chairman, Tariff Commission, Quezon City, the within preceding 4th indorsement dated December 24, 1976, relative to the appointment of Herminia J. Tayco as special assistant to the Chairman, that Commission, with the information that the same has been duly noted and the case accordingly considered closed insofar as this Office is concerned.' (Underscoring supplies.)'

"As clearly suggested by the language of the said 5th Indorsement, the case that was therein 'considered closed' was the case involving the validity of complainant's appointment as Special Assistant to the Chairman of the Tariff Commission and her right to receive the corresponding salary, because those were the only matters that were then decided upon by this Office in at least four (4) decisions, dated March 7, 1974; June 26, 1975; OP Decision No. 2269, dated October 8, 1976; and OP Decision No. 2389, dated December 3, 1976, let alone the 2nd Indorsement of this Office, dated May 30, 1975, authorizing the payment of complainant's accumulated salaries as such Special Assistant from February 1, 1974.

"Then Presidential Assistant Tuvera could not have contemplated in his said 5th Indorsement of January 31, 1977 the instant administrative case against the respondent, not only because no investigation has yet then been conducted on the case, much less decision rendered thereon, but also because he subsequently requested, in a 1st Indorsement dated February 22, 1977, the respondent to submit 'her reply within 72 hours from receipt (of said Indorsement) to the letter-complaint of Herminia J. Tayco, Special Assistant to the Chairman, x x x.' Likewise, this Office requested on January 17, 1983 complainant to make specifications of her charges against the respondent. It is thus highly incongruous for this Office to require respondent to answer or reply to, and complainant to make specifications of the charges in, the complaint in a case it had already 'considered closed'.

“III. FACTS OF THE CASE”

“From the evidence submitted by the parties and from the records of this Office, the following sequence of events, from which the guilt or innocence of respondent may be determined, emerges:

“Complainant was a former Administrative Officer II of the Tariff Commission. On January 31, 1974, then Tariff Commissioner Razon T. Haresco issued an appointment to complainant as Special Assistant to the Chairman of the Tariff Commission, effective February 1, 1974, with an annual compensation of ₱12,516.00. On February 6, 1974, this Office, thru Assistant Executive Secretary Roberto V. Reyes, advised the Civil Service Commission (CSC) that the said appointment, together with that of Mr. Abundio R. Querson, as such Special Assistant may be given due course, effective February 1, 1974, as an exception to Memorandum Circular No. 593 of this Office, dated August 8, 1972. Likewise, in a 1st Indorsement, dated February 6, 1974, Director Tomas W. Flores of Wage and Position Classification Office (WAPCO), Budget Commission, forwarded to the CSC the said appointments of complainant and of Mr. Guerson, with the WAPCO classification of the position indicating as Special Assistant to the Chairman, Tariff Commission, and the salary allowable in the amount of ₱12,516.00 per annum, and informing, among other things, that said positions are embodied in the staffing pattern of the Tariff Commission. Complainant’s appointment as such Special Assistant was subsequently approved by the CSC as permanent pursuant to Section 24(b) of Republic Act No. 2260, as amended.

“On February 13, 1974, a protest was filed with the CSC by Rosalia A. Saldaña, another employee of the Tariff Commission, against the appointment of complainant, upon the grounds of (a) violation of CSC laws, rules and regulations and (b) prematurity of the appointment allegedly because the reorganization of the Commission has not yet then been effected. In view thereof, on February 20, 1974, respondent, then Assistant Commissioner, requested the deferment of the payment of complainant’s salary.

“Due to the doubt on her authority to appoint personnel of the Tariff Commission engendered by the conversion of said Commission from a single-headed entity to a collegiate body, then Commissioner Haresco, in a letter dated February 22, 1974, inquired from this Office whether she was empowered by law to sign and issue the appointment extended to the complainant, among others, and on February 26, 1974, recalled said appointments.

“In a decision dated March 7, 1974, this Office (thru Assistant Executive Secretary Ronaldo B. Zamora) answered the same in the affirmative. For this reason, Commissioner Haresco withdrew the recall of the said appointments.

“In May, 1974, then Acting Chairman Haresco left for Bangkok, Thailand as UN-ASEAN MTN Team Leader. As her temporary replacement, respondent, then Commissioner, was designated by then President Ferdinand E. Marcos, in a letter dated March 22, 1974, as Acting Chairman of the Commission. As such Acting Chairman, she ordered the deferment of the payment of complainant’s salaries as Tariff Commission Chairman’s Special Assistant pending resolution by the CSC of Saldaña’s protest against complainant’s appointment.

“On June 10, 1974, the CSC dismissed the protest of Saldaña against complainant’s appointment and upheld the validity thereof. In view thereof, complainant, on July 1, 1974, requested the payment of her salaries as Special Assistant, but respondent, as Acting Chairman, denied the same in her letter of July 3, 1974, due to the pendency of Saldaña’s motion for reconsideration of said CSC decision. Likewise, respondent did not act on or indorse to the Government Service Insurance System (GSIS) complainant’s application for GSIS salary loan.

“On September 16, 1974, the CSC denied Saldaña’s motion for reconsideration and accordingly reiterated its original decision on June 10, 1974 and its prior approval of complainant’s appointment as Special Assistant to the Tariff Commission Chairman. Saldaña did not elevate the case to higher authority.

“In a letter to the CSC, dated November 19, 1974, respondent, as Acting Chairman of the Tariff Commission, declared complainant’s position of Special Assistant to the Tariff Commission as vacant and so informed the CSC as she is revoking complainant’s appointment thereto.

“The following day, November 20, 1974, complainant, apparently unaware of said respondent’s latest move, requested respondent to allow the payment of her accumulated salaries as Tariff Commission Chairman’s Special Assistant. Respondent, in a letter dated November 25, 1974, denied the same, insisting that, as conveyed in her aforesaid November 19, 1974 letter to the CSC, complainant is, for all legal intents and purposes, an Administrative Officer II. On November 22, 1974, complainant requested a copy of respondent’s letter to the CSC, dated November 19, 1974. Respondent did not honor said request.

“On December 27, 1974, complainant filed her aforesaid administrative complaint against the respondent with the NEDA to which the Tariff Commission was attached.

“In the meantime, respondent submitted under 1st Indorsement dated January 31, 1975, to the Budget Commission, thru the NEDA Director General, the Tariff Commission Budget Estimates for Fiscal Year 1975-76, proposing therein the abolition of the ‘positions of Special Assistant to the Chairman and Executive Assistant to the Member-Commissioners’ of the Tariff Commission.

“On the same day, in a 1st Indorsement (dated January 31, 1975), the CSC answered respondent’s November 19, 1974 letter by holding that the Tariff Commission, ‘thru the designated Acting Chairman (respondent herein) has no longer authority to revoke the said approved appointment’ of complainant, ‘much more declare said position already filled by virtue of a valid appointment, vacant,’ and directing that complainant ‘be allowed to assume the office of Special Assistant to the Chairman, (Tariff) Commission, with all the rights, compensation and privileges thereof, as provided in said appointment and under existing laws.’

“On February 13, 1975, respondent requested the recall of complainant who was then on detail with the Development Management Staff (DMS), Office of the Executive Secretary, this Office.

“On February 17, 1975, respondent issued Office Order No. 6-A assigning complainant to Executive Director Emilio M. Cruz, effective immediately, and requiring her to use bundy clock for her daily attendance.

“On February 18, 1975, then Economic Planning Secretary and NEDA Director General Gerardo Sicat submitted to the Budget Commission the Budget Estimates of the Tariff Commission for Fiscal Year 1975-76, stating, among other things, that ‘(T)hat other position of Special Assistant must be retained in view of a recent decision of the Civil Service Commission upholding the appointment of a certain employee of the Commission to the said position.’

“On February 24, 1975, Secretary and NEDA Director General Sicat, thru whom the aforesaid CSC’s 1st Indorsement of January 31, 1975 was coursed, indorsed the same to the respondent as Acting Chairman of the Tariff Commission, enjoining immediate compliance therewith.

“On February 26, 1975, Secretary and NEDA Director General Sicat enjoined the Tariff Commission Acting Chairman to comply with the CSC decision of January 31, 1975.

“Thereafter, in a letter dated March 7, 1975, respondent advised this Office that her office cannot allow the payment of complainant’s salaries as Special Assistant for several reasons, among which, the said position does not appear in the staffing pattern recommended by the NEDA on October 19, 1973, pursuant to Sections 501, 503 and 512 of Presidential Decree No. 34 and its creation and funding were proposed subsequent to the approval of the staffing pattern and was incorporated and itemized only under Presidential Decree No. 503; that complainant’s appointment was of doubtful validity as it was recalled by Commissioner Haresco herself; and that the Saldaña protest against complainant’s appointment was decided by the CSC on doubtful technicality.

“On March 11, 1975, this Office issued Special Order No. 9, terminating complainant’s detail effective February 17, 1975. This was received by complainant on March 17, 1975.

“On March 14, 1975, respondent wrote this Office questioning the fact that complainant did not report to the Tariff Commissioner effective February 17, 1975. In answer thereto, this Office, thru DMS Head Executive Assistant Lorenzo B. Ballecer, in a letter dated April 14, 1975, advised respondent that complainant’s services for February 18, 1975 to March 11, 1975 are counted as services rendered to DMS.

“In May 1975, Haresco returned from Bangkok and re-assumed her responsibilities as Acting Chairman of the Tariff Commission, and ordered the preparation of voucher for the payment of complainant’s accumulated salaries as Special Assistant. Respondent objected thereto, prompting Acting Chairman Haresco to inquire from the Budget Commission and the Department of Justice relative to the legality of such payment.

“In a 1st Indorsement, dated May 30, 1975, Budget Commissioner F. Sy-Changco recommended to this Office that the Tariff Commission be directed to pay complainant’s accumulated salaries. In conformity thereto, this Office thru Deputy Executive Secretary Roberto V. Reyes, in a 2nd Indorsement of May 30, 1975, authorized the payment of said accumulated salaries. These communications of the Budget Commissioner and this Office were both forwarded to respondent’s office on June 2, 1975.

“On June 10, 1975, Acting Chairman Haresco issued Office Order No. 24, recalling Office Order No. 6-A issued by the respondent (requiring complainant to use the bundy clock in recording attendance).

“The following day, June 11, 1975, respondent issued a Memorandum for Acting Chairman Haresco, advising the latter that the salaries of the complainant and Aurelio R. Orig are being held in abeyance pending receipt of further instructions from Malacanang. In answer thereto, Acting Chairman Haresco, in a memorandum to the respondent, dated June 19, 1975, reiterated her stand that the CSC decision is executory and that payment of complainant’s accumulated salaries is already long overdue, and inquired about the whereabouts of the aforesaid authority from this Office for payment of said accumulated salaries and of the Budget Commission’s 1st Indorsement, both dated May 30, 1975, which were both forwarded to respondent’s office on June 2, 1975, and reminded respondent about her (Haresco’s) pending request for a copy of respondent’s letter to the Executive Secretary, dated March 7, 1975.

“Subsequently, this Office, in a 1st Indorsement, dated June 26, 1975, thru then Deputy Executive Secretary Roberto V. Reyes, ruled that the objections raised by respondent in her letter of March 7, 1975, were all untenable and accordingly ordered that complainant be allowed to assume her office of Special Assistant to the Chairman of the Commission, with all the rights, compensation and privileges appertaining thereto.

“At about this time, Acting Chairman Haresco left again for Bangkok, Thailand, as UN-ASEAN MTM Team Leader, and the respondent was again designated as Acting Chairman in her absence.

“On June 30, 1975, then Secretary of Justice (later Supreme Court Associate Justice) Vicente Abad Santos rendered Opinion No. 96 holding that he possesses no revisory authority over the decisions of the CSC, the Office of the President, the NEDA Director General who has administrative supervision over the Tariff Commission, and the Commissioner of the Budget, stating that the same decisions are presumed to be valid and legal and should therefore be obeyed by government officials and employees concerned and inviting attention to the decision of the Supreme Court in Mitra vs. Subido (21 SCRA 130, 142) holding that the moment the appointee assumes a position in the civil service under a completed appointment, as complainant did, he acquires legal right protected not only by law but also by the Constitution and the same cannot be revoked nor the appointee be removed except for cause. This was received by respondent’s office on July 2, 1975.

“On July 21, 1975, Economic Planning Secretary and NEDA Director General Sicat, in a 2nd Indorsement, enjoined the Tariff Commission Acting Chairman to execute the decision of this Office, dated June 26, 1975, on complainant’s claim for accumulated salaries.

“Undaunted, respondent once again acting as Acting Chairman of the Commission, in her letter, dated August 4, 1975, advised this Office that her office is holding in abeyance complainant’s claim for accumulated salaries as Special Assistant ‘notwithstanding that 1st and 2nd Indorsements by the Deputy Executive Secretary and Secretary of Economic, Planning dated 28 May 1975

and 21 July 1975, respectively, directing and enjoining to pay said claim' as she insisted therein that complainant's appointment is null and void ab initio.

"On August 15, 1975, Secretary and NEDA Director General Sicat issued memorandum to the Tariff Commission Acting Chairman for the immediate release of complainant's accumulated salaries as Special Assistant.

"On August 21, 1975, complainant advised respondent that she is refiling her application for GSIS salary loan in view of the deadline for payment of school fees of her children, and on the following day, August 22, 1975, requested respondent to make immediate payment of her MEDICARE premiums, which have not been paid for more than a year already, in view of the need of her daughter to enter the hospital for the removal of a cyst. No action was taken by the respondent on both requests.

On September 15, 1975, complainant filed Civil Case No. Q-20481, for damages, against respondent with the then Court of First Instance of Rizal 17th Judicial District, Branch IX, Quezon City.

"On September 23, 1975, then newly appointed Chairman of the Tariff Commission, Manuel S. Alba, issued Memorandum to the Cashier of the Commission ordering the payment of complainant's accumulated salaries as Special Assistant to the Chairman. Respondent objected thereto in her note of October 13, 1975, to which Chairman Alba replied (Memorandum of October 15, 1975) that his memorandum merely implements the decisions of the Office of the President, the Budget Commission, the NEDA Director General and the Civil Service Commission, and that the civil case for damages has nothing to do with the case already resolved by higher authorities and that he cannot understand respondent's idea of contempt of court, and that, in any case, his directive for payment of complainant's accumulated salaries still holds. Thus, complainant was paid in November 1975 of her accumulated salaries.

"On March 9, 1975, complainant wrote the NEDA Director General complaining about the inaction on her administrative complaint against the respondent and about the alleged non-compliance by the respondent with the directive requiring her to submit her answer to or comment on said complaint, and submitting additional documents to substantiate her charges, including acts and actions done or taken after the filing of her administrative complaint.

"On April 12, 1976, Acting NEDA Director General Manuel S. Alba indorsed to this Office complainant's administrative complaint against the respondent, the latter being a presidential appointee. Thus, complainant followed up the case in this Office in 1976 thru her letters of June 9 and July 30, 1976.

"In the meantime, this Office rendered OP Decision No. 2269, dated October 8, 1976 directing the Chairman, Tariff Commission, for the immediate implementation of its decision, dated June 26, 1975, warning that 'otherwise it will be constrained to take such disciplinary action as may be deemed warranted under the circumstances.' On October 26, 1976, Chairman Alba advised Presidential Assistant Tavera that upon his assumption of office, he ordered the payment of complainant's accumulated salaries and the same were paid in November, 1975 and the only issue pending is the administrative case filed by complainant against the respondent.

“The following day, or on October 27, 1976, respondent wrote this Office reiterating her previous opinion to the effect that complainant’s appointment as Special Assistant to the Chairman of the Tariff Commission was a nullity. Finding her arguments advanced therein to be rehash of those already resolved in the June 26, 1975 decision, this Office dismissed the same for lack of merit and confirmed and reiterated the said decision in OP Decision No. 2389, dated December 3, 1976.

“Thereafter, or on December 16, 1976, respondent wrote Major General Fabian C. Ver, then Commanding General of the Presidential Security Command (PSC) and Director General of the National Intelligence Security Authority (NISA), urging the latter to conduct an immediate and thorough investigation and prosecution of all officials and employees who caused the issuance, preparation, processing, release, recording and approval of the appointment of the complainant as Special Assistant to the Chairman of the Tariff Commission and those who caused the payment, accounting and auditing of her accumulated salaries as she still clings to her position that the same appointment is null and void ab initio.

“In a 5th Indorsement, dated January 31, 1977, this Office thru then Presidential Assistant Juan C. Tuvera, returned to the Chairman of the Tariff Commission, thru the Director General of the NEDA, the ‘4th indorsement dated December 25, 1976, relative to the appointment of Herminia J. Tayco (complainant herein) as special assistant to the Chairman, that Commission, with the information that the same has been duly noted and the case considered closed insofar as this Office is concerned.’

“Thereafter, this Office, in a 1st Indorsement dated February 22, 1977 signed by then Presidential Assistant Juan C. Tuvera, required respondent, then Commissioner of the Tariff Commission, to answer or reply to the aforesaid letter-complaint of the complainant within 72 hours.

“On March 30, 1977, then Acting Chairman Francisco S. Tantuico, Jr. of the Commission on Audit, to whom respondent’s letter of December 16, 1976 was referred by then Major General Ver, rendered Opinion No. 207, holding that the legality of the appointment of complainant and the auxiliary issue of payment of her salary as special assistant are no longer open to question.

On May 12, 1981, the CFI of Quezon City (Branch IX) promulgated its decision in Civil Case No. Q-20481 ordering respondent to pay complainant ₱20,000.00 as actual and moral damages; ₱10,000.00 as exemplary damage; ₱5,000.00 as attorney’s fees; and the costs of suit, a copy of which decision this Office was furnished by complainant in her letter dated July 13, 1981.

On January 17, 1983, this Office wrote complainant requesting her to ‘make a statement of particulars and/or specifications of the charges in order to enable this Office to arrive at an intelligent decision or take appropriate action on the case.’

On February 26, 1986, respondent, then already Chairman of the Tariff Commission, tendered to the President her resignation as such Chairman ‘to pave the way for the reorganization of the government on account of the assumption to office by the new President.’

On March 21, 1986, complainant wrote this Office regarding her complaint against the respondent.

Five (5) days thereafter, or on March 26, 1986, the Executive Secretary informed the respondent of the acceptance by the President of her resignation as Chairman of the Tariff Commission effectively immediately.

Subsequently, this Office received from complainant a series of letters, dated April 7, 16 (coursed thru then Budget Minister Alberto G. Romulo), and 23, 1986, all about her administrative case against the respondent.

On April 28, 1986, the new Chairman of the Tariff Commission wrote this Office inquiring about the status of the instant administrative case which was forwarded by NEDA to this Office on April 14, 1976, in order that it can act on the application for retirement benefits filed by the respondent who has resigned as Chairman of the Tariff Commission effective April 16, 1976.

“IV. FINDINGS ON THE CHARGES

“The complainant charges respondent of oppression, grave abuse of authority, and conduct unbecoming of a public official.

“‘Oppression’ has been defined as an ‘act of cruelty, severity, unlawful exaction, domination or excessive use of authority.’ (Ochate vs. Deling, L-13298, March 30, 1959, 105 Phil. 384, 390.)

“‘Abuse’ means ‘to make excessive or improper use of a thing, or to employ it in a manner contrary to the natural or legal rules for its use. To make an extravagant or excessive use, as to abuse one’s authority’ (Black’s Law Dictionary Fifth Ed., p. 11). It includes ‘misuse’ (City of Baltimore v. Cornellville & S.P. Ry, Co., 6 Phils. 190, 191, 3 Pitt 20, 23). The word ‘grave’, as modifier in ‘grave abuse of discretion’ which is akin to ‘grave abuse of authority’ means ‘wanton and capricious’ (Caoile vs. Puno, SP-0022, June 19, 1971, cited in Moreno’s Philippine Law Dictionary, p. 270).

“‘Grave abuse of authority’ may thus be defined as the use or misuse of one’s authority in a wantonly and capriciously excessive or extravagant manner contrary to the natural or legal rules for its use.

“‘Conduct unbecoming of public official’ means that conduct of public official ‘which has a great tendency to destroy public respect’ (Carlisle Borough v. Adams, Pa., 12 Cumb. 53).

“Now, does the above narration of facts show commission by respondent of these administrative offenses?

“The ominous suggestion from the facts narrated above is toward an affirmative answer. With Saldaña keeping her peace with the said CSC decisions, complainant’s agony should have ended upon the receipt by the Tariff Commission of the CSC resolution of September 16, 1974 holding, among other things, that Saldaña’s motion for reconsideration was filed outside the reglementary period. But it was not to be so. A more formidable obstacle was soon thrown her way, not by a mere co-employee like Saldaña, but by no less than her boss, the respondent, who was determined to block at all costs her appointment even if it meant an open defiance of laws and decisions and orders of higher authorities.

“Respondent’s acts of defiance

“Under Republic Act No. 2260, as amended by Republic Act No. 6040 (approved on August 4, 1969), under whose regime complainant’s appointment as Special Assistant to the Chairman of the Tariff Commission was issued by then Tariff Commissioner Haresco and approved by the CSC, appointments do not require previous approval by the CSC for their effectivity [Sec. 24(d)] and, therefore-

“ . . . such appointments shall become immediately effective upon the assumption of duties of the appointees, entitling them to receive all the corresponding salaries and benefits, until notice of the final decision of disapproval x x x.” (Sec. 16(h), R.A. 2260, as amended by R.A. 6040; underscoring supplied.)’

As found in the decision of this Office, dated June 26, 1975, complainant assumed and performed her duties as such Special Assistant ‘since the effective date of her appointment on February 1, 1974’. She was, therefore, entitled to receive her salaries as such Special Assistant from February 1, 1974, even without prior approval by the CSC, pursuant to Section 16(h) of R.A. 2260, as amended by R.A. 6040. And better still, her appointment was approved by the CSC in February 1974.

“However, notwithstanding this statutory command for the immediate payment of complainant’s salaries as Special Assistant to the Tariff Commission Chairman, we nonetheless grant good faith in respondent’s act of holding in abeyance payment of complainant’s salaries during the pendency of Saldaña’s protest against complainant’s appointment. But, after this Office has upheld and confirmed then Tariff Commissioner Haresco’s authority to issue complainant’s appointment and after the CSC has dismissed Saldaña’s motion for reconsideration of said decision which had become final and executory it not having been elevated by Saldaña to higher authorities, there was no more valid reason for respondent, as Acting Chairman of the Tariff Commission, to further delay the payment of complainant’s accumulated salaries. Instead of abiding by and respecting the decisions of this Office and the Civil Service Commission (CSC) by paying complainant’s salaries, respondent, as such Acting Chairman, recalled complainant’s CSC-approved appointment and declared her position as vacant and, to insure complainant’s ouster from the Commission, proposed to the Budget Commission for its abolition to which then Economic Planning Secretary and NEDA Director General Sicat (who has administrative supervision over the Tariff Commission) objected to, for, in his own fair and just rationalization the said position ‘must be retained in view of a recent decision of the CSC upholding the appointment of a certain employee (complainant Tayco) of the (Tariff) Commission to the said position.’ (1st Indorsement, dated Feb. 18, 1975.)

“Again, after the CSC (in its decision of January 31, 1975) rebuked her act of recalling complainant’s appointment and declaring her position vacant, and directed her to allow complainant to assume her position ‘with all the rights, compensation and privileges thereof’, it became respondent’s bounden responsibility as head of the Tariff Commission, and in pursuance of the rule

of law, to cause the immediate payment of complainant's accumulated salaries. And the very agency institutionalized in the 1973 Constitution as an independent body (Civil Service Commission) to decide matters of appointment in the civil service has already made its decision on the matter. Then there was that order (dated February 24, 1975) of respondent's immediate supervisor and superior (Economic Planning Secretary and NEDA Director General Sicat) enjoining her to immediately comply with the said CSC decision of January 31, 1975.

"But not even her said superior could change respondent's stand. And not even after this Office has authorized (2nd Indorsement dated May 30, 1975) the payment of said accumulated salaries, upon recommendation of the Commissioner of Budget who had expressed the view that complainant's 'right to her accumulated salaries is legally unassailable' (1st Indorsement, dated May 30, 1975). Notwithstanding this authority given by no less than this Office, respondent, as Acting Chairman of the Tariff Commission, still refused to pay complainant's accumulated salaries insisting that her appointment is null and void ab initio.

"Again, after this Office has brushed aside (decision of June 26, 1975) all respondent's grounds for holding complainant's appointment a nullity and accordingly ordered her, as Acting Chairman of the Tariff Commission, to allow the complainant to assume her position 'with all the rights, compensation and privileges appertaining thereto,' still respondent continued to refuse to pay complainant's accumulated salaries when, as aptly held by then Secretary of Justice Vicente Abad Santos (Opinion No. 96, dated June 30, 1975), the said decision of this Office (and that of the Civil Service Commission, of the NEDA Director General and of the Budget Commissioner) is 'presumed to be valid and legal and should therefore be obeyed by the government officials and employees concerned.' Concerned and irritated by respondent's open defiance not only of the decisions of the Civil Service Commission, the NEDA Director General and the Budget Commissioner but also of its own decision (sustained by no less than the Legal Counsel of the Republic of the Philippines – the Secretary of Justice), this Office (whose jurisdiction was sought by respondent herself precisely to resolve the grounds of her objections to the validity of complainant's appointment and the payment of her accumulated salaries), directed the immediate implementation of its decision of June 26, 1975 and warned: 'otherwise, it (this Office) will be constrained to take such disciplinary action as may be deemed warranted under the circumstances.' (OP Decision No. 2269, s. 1976.) Respondent's objections were once again brushed aside by this Office in OP Decision No. 2389, series of 1976.

"Again, when newly appointed regular Tariff Commission Chairman (later Minister of the Budget) Manuel S. Alba ordered the immediate payment of complainant's accumulated salaries in faithful compliance with the orders of higher authorities, respondent, then reverted to mere Commissioner, objected thereto with threats of contempt of court. Chairman Alba, however, brushed aside respondent's objections and contempt threats and stood firm on his order for the payment of complainant's accumulated salaries.

"Unable to further delay the payment of complainant's accumulated salaries and smarting from the decisions of this Office and of the abovementioned

competent agencies, respondent urged, in her letter of December 16, 1976, Major General Fabian C. Ver, then Commanding General of the Presidential Security Command (PSC) and concurrently Director-General of the National Intelligence Security Authority (NISA), ‘to conduct a thorough and immediate investigation and prosecution (not only) all officials and employees who were responsible for the issuance, preparation, processing, release, recording and approval of the appointment of Mrs. Herminia J. Tayco as Special Assistant to the Chairman, Tariff Commission (but also) those who caused the payment, accounting and auditing of the corresponding salaries arising from said appointment,’ as if then Major General Ver, as such PSC Commanding General and NISA Director General, can overturn the decisions of those officials whom she wanted to be investigated and prosecuted, including Deputy Executive Secretary Roberto Reyes and Presidential Assistant Ronaldo B. Zamora who rendered the aforesaid OP decisions ‘by authority of the President’; Civil Service Commissioners Epi Rey Pangramuyen and F.P. Valera; Budget Commissioner F. Sy-Changco; Justice Secretary Vicente Abad Santos; Economic Planning Secretary and NEDA Director General Gerardo Sicat; and Tariff Commission Chairman Manuel S. Alba. Again, respondent was rebuffed in her new attempt to invalidate complainant’s appointment and to harass complainant and said officials through military intervention, when COA Chairman Francisco Tantuico, Jr., to whom her said letter was indorsed by General Ver, rendered his Opinion No. 207, series of 1977, holding that ‘the legality of the appointment of Mrs. Tayco and (the) ancillary issue of payment of her salary are no longer open to question.’

“Reasons for the defiance

Why had respondent risked herself of insubordination charge (as in fact she was warned by no less than this Office that disciplinary action may be taken against her should she continue to defy its decision on complainant’s appointment and salaries) by repeatedly defying the decisions and orders of her superior officials, particularly that of her immediate supervisor, Economic Planning Secretary and NEDA Director General Sicat; that of the Civil Service Commission (the very agency vested by the Constitution and by law with jurisdiction over matters involving appointment in the civil service); and that of the Office of the President (which has control over all departments, bureaus and offices in the executive branch of the government)? Respondent offers, as her only defense, good faith or honesty or sincerity of belief on the grounds of her continued refusal to recognize complainant’s appointment and to pay her salaries.

“We cannot now in this proceeding pass upon the validity of her said grounds or objections as they had long been put to rest by the final decisions of the Civil Service Commission and of this Office.

“But, good faith on the part of respondent may be conceded at the start. But, after the appropriate superior authorities (whose jurisdiction she herself had sought to precisely resolve her objections to complainant’s appointment and her right to receive the corresponding salaries) had dismissed her said objections as legally untenable and sustained the validity of complainant’s appointment and ordered the

payment of complainant's accumulated salaries, her subsequent acts of repeatedly refusing to recognize said appointment and to pay complainant's accumulated salaries simply negate her defense of good faith. One's good faith or honesty or belief, being a process of the mind, may only be approximated by her actions.

"The actions taken by the respondent in complainant's case show that they were done not because of the honesty of her belief in the nullity of complainant's appointment, but because of personal hostility, passion, partiality, vindictiveness, malice, and cruelty. Her acts were clearly intended to harass, prejudice and cause sufferings on the complainant through excessive use of authority as further shown by the following acts of respondent:

"1) Her partiality towards Rosalia Saldaña who filed with the CSC a protest against complainant's appointment, as shown by her note to the latter found on her draft-memorandum for the complainant, dated April 22, 1974, reading as follows:

'Sally, pls take a look at this. Comment if necessary. See the implication of this re your protest, future adjustments, etc.

If you recall terms use by the Queen Pig, use them here. Pis. finalize.'

2) After the CSC dismissed Saldaña's protest and sustained the validity of complainant's appointment, respondent, as Acting Chairman of the Tariff Commission, recalled complainant's appointment and declared complainant's position (special assistant) vacant.

3) Then respondent, again as Acting Chairman of the Tariff Commission, apparently sensing the futility of her act of declaring complainant's position as vacant, proposed to the Commissioner of the Budget, through the NEDA, the abolition of said position. It is coincidental that respondent's letter bearing her Budget Estimates for the Tariff Commission where such abolition proposal was made, is dated January 31, 1975, or on the day the CSC rendered its decision holding that the respondent can no longer recall complainant's appointment and directing her to allow complainant to assume her position with all the rights, compensation and privileges appertaining thereto.

4) Respondent repeatedly refused to indorse complainant's applications for GSIS salary loans, knowing that the proceeds thereof were to be used in paying the school tuition fees of complainant's children.

5) Respondent likewise did not act on complainant's request for the payment of her MEDICARE premiums which had not been paid by the Tariff Commission for more than a year then, even with the knowledge that one of complainant's daughters was scheduled to be confined in a hospital for the removal of her cyst and will avail of complainant's MEDICARE benefits.

6) After the filing of the instant case with the NEDA and while complainant was on detail with the DMS, this Office, respondent requested the termination of complainant's detail with this Office despite the strained relationship they had brought about by the filing of the instant case.

7) Again, respondent issued on February 17, 1975 Office Order No. 6-A assigning complainant to the Executive Director of the Tariff Commission and

requiring her to use the bundy clock, albeit positions lower than that of complainant's were not required to use the same, and despite the fact that Special Order No. 9, terminating complainant's detail with this Office, was issued only on March 11, 1975. This Office Order No. 6-A was later revoked by Ms. Haresco upon her return and resumption of her duties as Acting Chairman of the Tariff Commission.

8) Again, seeing that the effective date of the termination of complainant's detail as contained in Special Order No. 9 was February 17, 1975, respondent questioned complainant's failure to immediately report to the Tariff Commission and brought the matter to this Office, although the said Special Order No. 9 was issued only on March 11, 1975 (the date it bears) and was received by complainant only on March 17, 1975.

9) Respondent concealed from the knowledge of Acting Chairman Haresco, who had then resumed her duties as such and thus terminating respondent's temporary designation as Acting Chairman, the 1st and 2nd Indorsement of the Commissioner of the Budget and of this Office, both dated May 30, 1975, both authorizing the payment of complainant's accumulated salaries, which were both received by respondent on June 2, 1975. Acting Chairman Haresco inquired, in her Memorandum dated June 19, 1975, from the respondent the whereabouts of the said two (2) indorsements.

"Because of all these unwarranted 'acts of harassment and vindictiveness', to use the language employed by the CFI of Quezon City in its decision of May 12, 1981 in Civil Case No. Q-20481 (Herminia Tayco vs. Corazon Marcos), complainant 'felt very bad and there was financial problem as she was not receiving her salaries, could not also sleep and not at ease. She resorted to work for loans and had to go back and forth to the province to borrow money with interest, and therefore, had no peace of mind and could not sleep thereby incurring damages.'

"The said Court continued:

'A perusal of all evidence presented shows that indeed defendant (respondent herein) employed a pattern of harassment as she was never satisfied with decisions and rulings of higher authorities, not to mention that of His Excellency, President Ferdinand E. Marcos because the indorsement and decisions of Malacañang were done 'By authority of the President.' Not only that, but despite directives from other higher authorities, defendant did not implement the same and insisted on her personal view, holding the payment of salaries of plaintiff (complainant herein), even when she was no longer Acting Chairman, and continued to do so up to the last, when finally plaintiff was given what is due her by Chairman Manuel Alba. She acted beyond the scope of her authority and what is called for by virtue of her official position, and therefore, could be held liable in her personal capacity. Her insistence and defiance to comply with decisions called for to make decisions, aggravated the situation, as she took it upon herself to appear as the lone crusader under the New Society. Personality crept in when plaintiff did not consider the appointment of her protegee, and the fact that it was

not Miss Saldaña who got the position of Special Assistant to the Chairman. Harassment by her actuations could be deduced and patently shown, and as such, she is liable for damages for her acts. Such actions of defendant should not be countenanced in a government of laws, as it borders upon anarchy when one person demands that her opinion or belief should prevail over the decisions, rulings and directives of superior agencies and/or authorities such as the Civil Service Commission, the NEDA, the WAPCO, the Office of the President, the Budget Commission, the Commission on Audit and even the Department of Justice.

It is not right for those who hold the rein of an office to let their own doubts preclude the judgment of superior authorities especially so, if these authorities are the very ones who are given the power or prerogatives to pass judgment and render decision, like in the case at bar. There is no journey that does not begin with a single step, but certainly, overzealousness has some limits.’ (CFI Decision, dated May 12, 1981, *supra*.)’

“Indeed, ‘overjealous(ness)’ or ‘overzealousness’ in protecting the people’s money’, as the basis of respondent’s defense of good faith, finds no concurring reflections from her acts of further refusing to pay complainant’s accumulated salaries after the CSC (the agency vested by the Constitution and by law with authority to determine the validity of appointments in the civil service), the NEDA (the agency that has direct administrative supervision over the Tariff Commission or over the respondent as Acting Chairman thereof then), the Budget Commission (the agency charged by law with the determination of classification and compensation of positions in the government), and this Office (the highest office in the land with the power of control and supervision over all offices in the executive department, including the Tariff Commission) had all sustained the validity of complainant’s appointment and ordered the payment of her accumulated salaries. Her defense of good faith was umbrageous from the start, considering that complainant was entitled to receive her salaries even before the approval of her appointment by the CSC (it was already approved by the CSC when complainant demanded payment of her salaries) pursuant to Section 16(h) of R.A. 2260, as amended (her appointment was issued/approved before P.D. 807), and that it was not respondent but then Commissioner (later Acting Chairman) Haresco (being the official who issued complainant’s appointment) who was liable for any unlawful payment of salaries pursuant to said Section 16(h). Thus, even if complainant’s appointment and payment of her salaries were held illegal and invalid, the government would not have lost a single centavo, because then Commissioner Haresco was by law liable therefor. There was then no basis for respondent to be, to quote her words, ‘overjealous in protecting the people’s money’.

“The true nature of respondent’s ‘overjealousness’ or overzealousness is unmasked and her defense of good faith crumbles into pieces as we unfold the subsequent actions she had taken in this case: After her protegee (Miss Saldaña) kept her peace with the CSC decision (dismissing the latter’s protest against complainant’s appointment), respondent, in her capacity as Acting Chairman of the Tariff Commission, recalled complainant’s appointment and declared

complainant's position as vacant and later proposed for its abolition – to insure complainant's ouster from the Tariff Commission and to render the CSC decision (sustaining the validity of complainant's appointment) ineffective and ineffectual. These acts betray lack of good intention on the part of respondent, taken, as they were, on the heels of the decisions of this Office (upholding the authority of then Commissioner Haresco to issue complainant's appointment), for, in the language of then Economic Planning Secretary and NEDA Director General Gerardo Sicat, the 'other position of Special Assistant must be retained in view of a recent decision of the Civil Service Commission upholding the appointment of (complainant) to the said position.'

"Evidently, as found by the Court of First Instance (CFI) of Quezon City, personality crept into the case. And correctly so, because respondent, again taking advantage of her position as Acting Chairman, had to seize every opportunity, however insignificant, trivial and unmeritorious, to pin down the complainant, like her act of questioning complainant's failure to report to the Tariff Commission from the effective date (February 17, 1975) of the termination of complainant's detail with this Office, although the special order terminating such detail was issued (and dated) only on March 11, 1975 and complainant received it only on March 17, 1985.

"Although the filing of the instant case on December 27, 1974 had further strained their relationship, respondent sought complainant's return to the Tariff Commission by requesting on February 13, 1975 the termination of her detail with this Office. And while complainant was still on detail with this Office, respondent, again as Acting Chairman of the Commission, issued on February 17, 1975 an office order (No. 6-A) assigning complainant in the Office of the Executive Director Emilio Cruz, effective immediately, and requiring her to use the bundy clock in recording her daily attendance, although personnel of lower rank were not required to do the same. (This office order was revoked by Acting Chairman Haresco when she returned from Bangkok.)

"Again, as Acting Chairman of the Tariff Commission and knowing that complainant was not then receiving her salaries as she withheld the same, respondent refused to act on or indorse to the GSIS complainant's applications for salary loans – even after being apprised that complainant needed the same loans for the school tuition fees of her children. Complainant had to shuttle between Manila and her province to secure loans with interest.

"Likewise, respondent, again as Acting Chairman, stopped the remittance of or did not remit complainant's MEDICARE premiums from February 1974 and slept on complainant's request made in August 1975 (her premiums unpaid for more than a year then) to remit her unpaid MEDICARE premiums as her daughter was then scheduled to be confined in a hospital for the removal of her cyst. Respondent should have remitted even just the premiums corresponding to the position she insisted upon as the one legally occupied by the complainant, namely: Administrative Officer II.

“Offenses committed

Clearly, respondent had excessively used, in a hostile, inordinate and cruel manner, the authority of her position as Acting Chairman of the Tariff Commission in unduly causing much difficulties, hardship, and sufferings to her lowly subordinate, the complainant. She is thus guilty of oppression.

“The charge of grave abuse of discretion is absorbed by the offense of oppression as the latter is committed by, among others, an excessive use of one’s authority. (see: *Ochate vs. Deling*, supra, at p. 390.)

“The charge of ‘conduct unbecoming of a public official’ may only be traced to respondent’s continued defiance of the decisions and directives of her superior officials which, as held by then Secretary of Justice Abad Santos, ‘are presumed valid and legal, and should therefore be obeyed by the government officials and employees concerned’ and to respondent’s acts of harassment causing much difficulties, hardship and sufferings on the part of the complainant (when other heads of offices take special concern over the welfare and interests of their subordinate). But all such acts of respondent involved only the relationship of a superior and a subordinate, or internal matters.

“As this particular administrative offense has been defined as referring to conduct which ‘has a great tendency to destroy public respect (*Carlisle Borough v. Admas*, Ps., 12 Cum. 53), the constitutive acts therefor must necessarily involve or affect the public rather than the public official’s subordinates, in such a manner and to such an extent as to lose public respect on the public official concerned.

“We, therefore, rule that respondent’s acts did not constitute conduct unbecoming of a public official.

“But respondent’s open defiance of superior authorities’ decisions and directives constitute another offense – insubordination. And this defiance becomes even more reprehensible as it was taken mainly to accomplish respondent’s desire to prejudice and harass her lowly subordinate, under the cloak of overjealousness and overzealousness of protecting the people’s money, when, as head of office, respondent has to care for the welfare and interests of her subordinates. Indeed, respondent has acted in such a way as if the Tariff Commission was her exclusive domain over which no higher authority, not even this Office nor the Civil Service Commission, can change or vary her position or stand on the validity of an appointment thereto and the payment of the corresponding salary, solely for the purpose of harassing and prejudicing one subordinate.

“Although insubordination is not specifically mentioned in the complaint, as updated, the allegations thereof show that the offense of insubordination is likewise charged therein.

“Considering the one-penalty-for-one-case rule and following *Perez vs. Abiera*, supra, respondent may be fined in an amount equivalent to her 3-months’ salary as Chairman of the Tariff Commission, deductible from whatever retirement and other benefits she will receive from the government.

“V. RECOMMENDATION

“The Committee hereby recommends that respondent be fined in an amount equivalent to her 3-months salary as Chairman of the Tariff Commission, deductible from whatever retirement and other benefits she will receive from the government.

I agree with and adopt the above findings and recommendation supported, as they are, by the evidence on record.

WHEREFORE, and upon recommendation of the Committee created under Memorandum Order No. 41, dated September 25, 1986, respondent CORAZON B. MARCOS, former Chairman of the Tariff Commission, is hereby fined in an amount equivalent to her 3-months’ salary as such Chairman, deductible from whatever retirement and other benefits she may be entitled to and will receive from the Government.

Done in the City of Manila, Philippines, this 30th day of September, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 38
ESTABLISHING THE GOVERNMENT PRODUCTIVITY IMPROVEMENT PROGRAM (GPIP)
AS A PRIORITY UNDERTAKING OF THE GOVERNMENT AND FOR OTHER PURPOSES

WHEREAS, the government's immediate goal to accelerate economic recovery calls for a concerted and vigorous effort to improve productivity at the least cost;

WHEREAS, improved productivity demands a judicious and optimum utilization of government resources, elimination of organizational and functional proliferations and overlaps, improvement of service delivery systems and rigid implementation of cost-saving measures in government operations;

WHEREAS, the government needs the cooperation and active participation of the private sector, particularly the non-governmental organizations and the general public, to implement effectively efforts to enhance productivity and improve the delivery of public services;

WHEREAS, it is imperative that a program to coordinate all efforts of both the government and the private sectors be established to attain efficiency, effectiveness and economy in the delivery of quality services to the people;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Declaration of Policy. It is hereby declared the policy of the State to attain efficiency, effectiveness and economy in the delivery of quality services to the public in cooperation with, and with the participation of, the private sector.

Section 2. The Government Productivity Improvement Program (GPIP). The Government Productivity Improvement Program (GPIP), hereinafter referred to as the Program, is hereby established and adopted as a priority undertaking of the Government to enhance overall productivity and to coordinate and/or integrate the program, projects and activities of the government in this endeavor with those in the private sector.

The Program aims to achieve the following objectives:

- a. improve the quality of service and optimize the use of resources;
- b. establish and set up productivity organizations at the national and regional levels;
- c. operationalize and institutionalize productivity improvement activities in every department, agency and corporation; and
- d. provide support mechanism that would sustain productivity efforts in the government.

Section 3. The Government Productivity Improvement Program Council (GPIP Council). There is hereby created a Government Productivity Improvement Program Council (GPIP Council), hereinafter referred to as the Council, which shall be the primary policymaking and overall coordinating body of the program. It shall be composed of the Secretary of Budget and Management as Chairman; and the President of the Development Academy of the Philippines, the Secretaries of Trade and Industry, Agriculture, Public Works and Highways, and Socio-Economic Planning, the Chairman of the Civil Service Commission, the Undersecretary of the Presidential Management Staff, and the Director of the Philippine Information Agency, as members.

The Council shall have the following functions and responsibilities:

- a. formulate general policies and provide direction in the implementation of the Program;
- b. organize a government-wide network of implementing units, committees and sub-councils as may be necessary to operationalize effectively and attain the objectives of the Program;
- c. develop action plans and operating guidelines for program implementation;
- d. undertake overall program supervision, coordination, monitoring and evaluation;
- e. determine and identify critical service areas and agencies for priority program implementation;
- f. seek the cooperation and participation of the private sector and the general public in the implementation and evaluation of the various productivity improvement projects; and
- g. seek the support of local and international institutions in promoting and/or financing productivity improvement programs in the public service.

Section 4. Department/Agency Productivity Improvement Committee. Each department/agency/corporation shall organize a Productivity Improvement Committee which shall be responsible for the development and implementation of the agency's Productivity Improvement Program. Lower level committees at the bureau or regional level may be created as necessary.

Section 5. Performance Responsibility. The Council members shall be jointly responsible for providing operating guidelines and overseeing the activities of the Program. The heads of all other departments, agencies and corporations shall extend assistance to the Council by initially submitting a report on the existing programs/projects oriented towards productivity improvement of their respective agencies, and making available such facilities and expertise as may be required for successful implementation of the Program.

Section 6. Effectivity. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 30th day of September, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 39
IMPOSING A FINE ON FORMER REGISTER OF DEEDS CLEOTHILDE C. VENUS OF ABRA.

This is an administrative case against Atty. Cleothilde C. Venus, former Register of Deeds of Abra, for alleged grave misconduct and violation of circulars and regulations in the handling of government funds. The charges were inquired into by a special investigator from the Department of Justice.

Records show that, on October 18, 1982, respondent Venus was charged by then Acting Land Registration Commissioner Federico B. Alfonso, Jr., with grave misconduct for her failure (a) to submit on time her report on monthly collections for the period from January 1973 to August 1982 in violation of Section 105 of the National Accounting and Auditing Manual, Section 64 of Presidential Decree No. 1445, otherwise known as "The Government Auditing Code of the Philippines," and COA Circular No. 78-78, dated March 7, 1987; and (b) to account for the whereabouts of the sum of ₱75,171.89 representing her unremitted collections to the National Treasury for the period from January 1973 to October 1982.

In her answer, dated May 10, 1983, respondent Venus alleged that she had remitted said amount of ₱75,171.89 and promised to submit documentary proof thereof. She, however, waived her right to a formal hearing and submitted her case for decision by the Screening Committee, which was then reorganizing the Land Registration Commission (now the National Land Titles and Deeds Registration Administration or NLTDRRA) pursuant to Executive Order No. 649.

In a subsequent investigation of respondent's cash and accounts, she was found anew to have had a total unremitted amount of ₱74,556.50 for the period from 1977 to 1979 and to have failed to keep and accomplish her cashbook and reconcile her cashbook balance and cash on hand at the close of each day. Hence, on October 14, 1983, she was again charged with violation of existing circulars and regulations in the handling of government funds. Instead of answering the charge, respondent moved to dismiss the same on the ground that she had ceased to be register of deeds as of November 6, 1986. She explained, however, that the missing collections had been remitted in her favor on June 11, 1985, by the NLTDRRA Chief Accountant.

Thereafter, respondent was informed by the Secretary of Justice that her resignation had been accepted pursuant to Section 2, Article 3 of the Freedom Constitution (Proclamation No. 3) and Section 10 of Executive Order No. 17, effective upon the qualification into office of her successor. Respondent did not appeal her dismissal to the Appeals Committee created under the said Executive Order.

After due investigation, the Secretary of Justice agreed with the NLTDRRA Administrator that, while respondent had remitted the amount of ₱74,705.60, it does not erase her administrative liability and that, while she may be absolved of the charge of grave misconduct, she should be found guilty of violation of circulars and regulations in the handling of government funds. The Justice Secretary, however, found the penalty recommended by the NLTDRRA Administrator to be imposed on respondent of fine in an amount equivalent to her six months' salary to be too harsh, considering that this was respondent's first offense in her 30 years of government service. Accordingly, he recommended that respondent instead be fined in an amount equivalent to her salary of one month.

I find respondent guilty of both charges. Her having remitted the amount of ₱74,705.60 representing her collections for 1977 to 1979 may constitute a mitigating circumstance to be

appreciated in her favor, but it certainly does not entirely wipe out her administrative and criminal liabilities. (Office of the Court Administrator vs. Soriano, Adm. Matter No. 2864-P, May 16, 1985, 136 SCRA 461, People vs. Miranda, L-16122, May 30, 1961, 2 SCRA 261; U.S. v. Ongtenco, 4 Phil. 144). Hence, I agree with the Secretary of Justice and the NLTDRA Administrator that respondent should be penalized. However, I disagree with their recommended penalty. In the interest of justice, I feel that the respondent should be fined in an amount equivalent to her two months' salary.

Moreover, the fact that respondent's resignation was accepted during the pendency of the administrative case against her did not render the same moot and academic as to preclude the imposition on her of the proper penalty (People vs. Valenzuela, L-63950-60, April 19, 1965, Perez vs. Abierra, Adm. Case No. 233-T, June 11, 1975, 65 SCRA 302).

WHEREFORE, former Register of Deeds Cleotilde C. Venus of Abra is hereby found guilty of grave misconduct and violation of circulars and regulations in the handling of government funds for which she is hereby fined in an amount equivalent to her two months' salary.

Done in the City of Manila, this 30th day of September, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). [*Administrative Order Nos.: 1 - 150*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 40

AMENDING SECTION 5 OF ADMINISTRATIVE ORDER NO. 7 DATED 24 NOVEMBER 1986
CREATING THE PHILIPPINE COUNCIL ON ASEAN COOPERATION (PCAC)
TO COORDINATE PHILIPPINE POLICY TOWARD ASEAN.

WHEREAS, under ADMINISTRATIVE ORDER NO. 7, the Committee on ASEAN Economic Cooperation-Technical Board (CAEC-TB) has been reconstituted as the Philippine Council on ASEAN Cooperation-Technical Board (PCAC-TB) for Economic Cooperation;

WHEREAS, under letter of Instruction No. 470, which has been superseded by ADMINISTRATIVE ORDER NO. 7, the Central Bank (CB) was required to provide financial support for the operation of the former Committee on ASEAN Economic Cooperation-Technical Board (CAEC-TB);

WHEREAS, there is no provision under ADMINISTRATIVE ORDER NO. 7 explicitly providing for similar financial support from the Central Bank (CB);

WHEREAS, the Central Bank (CB) continues to be an important member of the Philippine Council on ASEAN Cooperation-Technical Board (PCAC-TB) for Economic Cooperation.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order:

SECTION 1. Section 5 of ADMINISTRATIVE ORDER NO. 7 is hereby amended to read as follows:

“Section 5. The Department of Budget and Management is hereby directed to release the amount of ONE MILLION PESOS (₱1,000,000.00) for the initial financial and operational requirements of the PCAC-Cabinet Level Committee and the PCAC-Technical Board for Functional Cooperation to be charged against the Contingent Fund under Executive Order No. 87. Thereafter, such amount as may be deemed necessary for the annual operation of the PCAC-Cabinet Level Committee and the PCAC-Technical Board for Functional Cooperation shall be incorporated in the annual appropriation of the Department of Foreign Affairs.”

SECTION 2. The Central Bank is hereby directed to provide the necessary financial support required for the operations of the Philippine Council on Asean Cooperation-Technical Board (PCAC-TB) for Economic Cooperation as has previously been provided for the Committee on Asean Economic Cooperation-Technical Board (CAEC-TB) under Letter of Instruction No. 470 dated October 4, 1976.

SECTION 3. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 7th day of October, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 41

**SUSPENDING MR. NARCISO T. ATIENZA FROM OFFICE FOR ONE (1) MONTH WITHOUT
PAY AS ASSISTANT CITY FISCAL OF QUEZON CITY.**

This is an administrative case filed by Mrs. Vicenta de Cruz-Gatdula, mother of the deceased Federico Gatdula, against Assistant City Fiscal Narciso T. Atienza of Quezon City, for neglect of duty in the prosecution of Criminal Case No. Q-8517, entitled “People vs. Danilo Mendoza y Hernandez et al.,” for homicide before Branch IV, of the then Court of First Instance of Rizal (Quezon City), arising out of the killing of Federico Gatdula in Quezon City in 1967.

Respondent was the trial fiscal assigned to Branch IV of the then Court of First Instance of Rizal (Quezon City). One of his assignments included the prosecution of Criminal Case No. Q-8517 against Danilo Mendoza for the killing of Federico Gatdula in Quezon City on October 5, 1967. On March 13, 1972, the case was set for hearing. The hearing was postponed upon motion of the defense counsel who sought for a 10-day period counted from the receipt of the transcript of stenographic notes within which to file a demurrer to evidence. In the meantime, the trial of the case was set on April 21, 1972, and then reset to May 15, 1972, due to illness of the defense counsel. The May 15 hearing was reset anew to June 5, 1972, but on the latter date the hearing was, in open court, ordered reset to June 30 “to give the defense counsel enough time to prepare for trial.”

On June 26, 1972, respondent informed his superiors that he was going to take a sick leave from June 27 to July 3, 1972, which in fact he did, and requested that another fiscal take his place to attend to his cases during his absences. Since respondent was on leave, Fiscal William Bayhon, upon superior orders, substituted for Fiscal Atienza in the June 30 hearing. During the June 30 hearing, a motion to dismiss was filed by the defense on the ground of insufficiency of evidence and Fiscal Bayhon petitioned for a 10-day period within which to file an opposition thereto. The substituting fiscal received the copy of said motion for the fiscal’s office and accordingly filed the same in respondent’s folders of cases. Five days after the filing of the motion to dismiss, or more specifically on July 5, 1972, respondent reported back for work. He, however, did not file any opposition to the motion.

On August 28, 1972, CFI Judge Walfrido de los Angeles issued an order dismissing the case against Danilo Mendoza thereby acquitting him. Judge De los Angeles in said order of dismissal noted that: “the prosecution was given sufficient time within which to file an opposition but up to this date no opposition has been received, notwithstanding the lapse of the period given to the government.” It is on the basis of this quoted pronouncement in the court of dismissal that Mrs. Vicenta de Cruz-Gatdula, mother of the deceased Federico Gatdula, made a letter-complaint, dated September 7, 1972, charging Fiscal Atienza with negligence. Said letter-complaint gave rise to the present administrative case for neglect of duty, with the following omissions as specific charges:

“(1) That continuation of the trial for the reception of the evidence for the defense was set on 13 March 1972, but this hearing was postponed at the instance of the counsel for the defense who asked the court to give him ten days within which to file a motion to dismiss but notwithstanding that you were thus put on notice of the impending motion to dismiss, you neglected to prepare your opposition beforehand;

“(2) That although you underwent an emergency operation at the UST Hospital on 27 June 1972 and were therefore on leave when the motion to dismiss was filed in court on June 30, 1972, you failed to send the proper request to your Office for adequate attention to your pending cases, particularly those the exigencies of which required urgency;

“(3) That the order of dismissal dated 28 August 1972 states in the second paragraph that ‘The prosecution was given sufficient time within which to file an opposition but up to this date no opposition has been received notwithstanding the lapse of the period given to the government,’ the reason for this failure according to your allegation, being the fact that neither the office of the City Fiscal nor yourself were furnished a copy of the motion to dismiss; and yet you have not indicated that you took any remedial measure towards informing Judge Walfrido de los Angeles that a copy of the motion to dismiss was not received.”

Respondent argues that he came to know of the existence of the motion to dismiss only upon the filing of the administrative case against him. He further claims that, on June 26, 1972, prior to his leave of absence, he made arrangements with his superiors relative to the handling of his cases by another fiscal during his absence; that he instructed his secretary to refer to him matters that needed his immediate attention and to make available to the substituting fiscal all the records of his cases; that, when he reported back for work, neither his secretary nor Fiscal Bayhon informed him of the motion to dismiss or what actually transpired during his sick leave, more specifically that relating to Criminal Case No. Q-8517; that the Fiscal’s copy of the Motion to Dismiss of June 30 was attached to the folder of another criminal case, entitled “People vs. Jose Santos;” and that, not having been notified about this motion to dismiss, he could not have filed an opposition thereto and, hence, he could not be guilty of the charge of neglect of duty.

Respondent’s arguments, assuming them to be true, betray his negligence. For they speak of his failure to perform his duties as a prosecutor. Had he, upon his return to duty, devoted a little time to know the status of his cases as an ordinary lawyer or fiscal would do under the same or similar circumstances, he could have discovered the existence of a motion to dismiss the case. This he could have done by going over the folder-records of the cases himself and he could have found his copy of the motion. But he did not. The fact that he was assigned a number of cases did not prevent him to do as suggested above because it was not a physical impossibility to do so. Again, he could have asked the court or the fiscal who took over his cases while he was on leave what the status of the case was. (He claims that he did not know that the case was set for hearing on June 30, 1972, despite the fact that the June 5 order resetting the case to June 30, was given in open court.) But he did not. He chose to wait for someone charitable enough to call his attention to his duty. He chose to rely on and follow blindly the word of his secretary who, like him, did not go over the records of the case and was, therefore, in no position to inform him of the existence of a motion to dismiss. It is indeed inconsistent with his position, which carries a high degree of responsibility and which calls for the exercise of more than ordinary devotion, care and diligence to justify his negligence from the omissions of others. As a fiscal, and having been in the “lucrative practice of law” before he became a fiscal, he is presumed to know that, as what happened in the case (Gatdula) where the civil action was deemed instituted with the criminal action, dismissal of the case extinguished the civil action against the accused. Had respondent shown reasonable concern over the case, unfortunate consequences could have been avoided. It is obvious that respondent had not shown that devotion, care and diligence of one who professes to serve the public interest.

In, view of the foregoing, and as recommended by the Secretary of Justice, Assistant City Fiscal Narciso T. Atienza of Quezon City is hereby suspended from office for one (1) month without pay, effective upon receipt of a copy of this Order.

Done in the City of Manila, this 19th day of October, in the year of Our Lord, nineteen hundred and eighty seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). [*Administrative Order Nos.: 1 - 150*]. Manila: Malacañang Records Office.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

ADMINISTRATIVE ORDER NO. 42
PROVIDING FOR INTERIM INSTITUTIONAL ARRANGEMENTS FOR IMPLEMENTING
CERTAIN PROVISIONS OF EXECUTIVE ORDER NO. 285.

WHEREAS, pursuant to Sections 1 and 3 of Executive Order No. 285 dated July 25, 1987, the Building Services and Real Property Management Office of the General Services Administration is abolished and its appropriate functions are transferred mainly to the Department of Environment and Natural Resources;

WHEREAS, pursuant to Sections 1 and 4 of said Executive Order No. 285, the Supply Coordination Office of the General Services Administration is likewise abolished and its appropriate functions transferred to the Department of Budget and Management;

WHEREAS, pursuant to Section 6 of the same Executive Order No. 285, a National Printing Office (NPO) is created out of the merger of the Government Printing Office and the relevant printing units of the Philippine Information Agency (PIA), with the new NPO to be attached to PIA for purposes of general supervision; and

WHEREAS, in order to facilitate the implementation of said provisions of Executive Order No. 285, it would be desirable to effect interim institutional arrangements that would allow achieving a coordinated effort towards realizing a smooth transition to the reorganized set-up;

NOW, THEREFORE, the following interim measures, pending full implementation of the reorganization, are hereby directed to be effected:

SECTION 1. The Building Services and Real Property Management Office (BSRPMO), in its entirety, is hereby placed under the supervision and control of the Department of Environment and Natural Resources (DENR). The DENR Secretary shall take the necessary steps, in coordination with the Department of Budget and Management, to implement the reorganization measures pertaining to the BSRPMO, including effecting the transfer of appropriate functions together with applicable records, property and equipment, and personnel as provided for in Section 3 of Executive Order No. 285.

SECTION 2. The Supply Coordination Office (SCO), in its entirety, is hereby placed under the supervision and control of the Department of Budget and Management (DBM). The DBM Secretary shall take the necessary steps to implement the reorganization measures pertaining to the SCO as provided for in Section 4 of Executive Order No. 285.

SECTION 3. The Government Printing Office (GPO), in its entirety, is hereby placed under the supervision and control of the Philippine Information Agency (PIA). The PIA Director shall take the necessary steps to implement the reorganization measures pertaining to the GPO as provided for in Section 6 of Executive Order No. 285.

SECTION 4. There shall be no lay-off of personnel during the interim period pending implementation of the reorganization measures.

SECTION 5. All previous administrative orders, memorandum orders and similar issuances inconsistent herewith are hereby repealed or modified accordingly.

SECTION 6. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 30th day of October, in the year of Our Lord, nineteen hundred and eighty-seven.

By authority of the President:
(Sgd.) **CATALINO MACARAIG, JR.**
Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). [*Administrative Order Nos.: 1 - 150*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 43
AUTHORIZING THE ASSET PRIVATIZATION TRUST TO DISPOSE OFF PROPERTIES
RECOVERED BY THE PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT

WHEREAS, there is an imperative need to rationalize the disposition of properties, including shares of stock recovered by the Presidential Commission on Good Government (PCGG);

WHEREAS, the Asset Privatization Trust has the budget, expertise and personnel complement to undertake/oversee the disposition of these properties and shares of stocks, vice the Sequestered Assets Disposition Authority;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

1. The Asset Privatization Trust, hereinafter referred to as the Trust, in addition to its powers and duties under Proclamation No. 50, series of 1986, is hereby authorized:

(a) To transfer, sell, assign or otherwise dispose of assets, shares of stocks and such other properties recovered and turned over to it by the PCGG, on such terms and conditions as are in the best interest of the National Government; for such purpose, to execute and deliver on behalf and in the name of the National Government such deeds of sale, contracts and other instruments as may be necessary or appropriate to convey title to such assets;

(b) To take title to, and possession of, and to take such steps as may be necessary to conserve, assets transferred to the Trust by the PCGG;

(c) Subject to prior approval by the President, to undertake the rehabilitation of such assets in instances where such rehabilitation is necessary to conserve the value of such assets or permit their sale;

(d) To receive and collect interest, rent and other income from the properties/assets transferred to and held by it, and to exercise in behalf of the National Government and to the extent authorized by the President, with respect to such properties/assets, all rights, powers and privileges of ownership including the ability to compromise and release claims or settle liabilities, and otherwise to do and perform any and all acts that may be necessary or proper to carry out the purposes of this Order.

2. The Trust shall at least on a quarterly basis submit to the President a report on the status of its assets disposition program, which report shall include a description of the individual assets disposed off, the purchases thereof, the consideration received therefrom and the agreed terms of payment and such other conditions related to the sale.

3. All proceeds from the sale or other disposition of such assets shall form part of the Special Agrarian Reform Fund, in accordance with Proclamation No. 131 and Executive Order No. 229, dated July 22, 1987, and be remitted to the National Treasury: Provided, however, that the Trust shall

be entitled to retain, upon approval of the Office of the President, such portion of the proceeds as may be necessary to maintain a revolving fund for the operation of the Trust under this Order.

4. Generally-accepted accounting and auditing rules and regulations shall be observed in the recording of the transactions herein undertaken by the Trust.

5. The PCGG shall coordinate with the Trust to identify such sequestered assets appropriate for disposition.

The Trust is hereby authorized to call on any government agency for support and assistance in the accomplishment of its task under this Order.

This Order shall take effect immediately.

DONE in the City of Manila, this 4th day of November, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Acting Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 44
FURTHER AMENDING ADMINISTRATIVE ORDER NO. 6 AS AMENDED BY
ADMINISTRATIVE ORDER NO. 26, CREATING THE NATIONAL ORGANIZING
COMMITTEE FOR THE THIRD ASEAN SUMMIT TO BE HELD IN MANILA
ON 14-16 DECEMBER 1987.

Administrative Order No. 6 as amended by Administrative Order No. 26, is hereby further amended. The first paragraph of Administrative Order No. 6 shall read as follows:

“The Chairman of the Committee shall be the Secretary of Foreign Affairs with the Secretaries of Tourism and National Defense as Vice Chairmen. The Members of the Committee shall be:

1. The Executive Secretary (Office of the President)
2. The Press Secretary
3. The Secretary of Budget and Management
4. The Secretary of Transportation and Communications
5. The Secretary-General of the ASEAN Summit
6. The Chief Presidential Protocol Officer (Office of the President)”

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 9th day of November, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Acting Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 45
CREATING A TECHNICAL COMMITTEE TO REVIEW AND RECOMMEND
TO THE PRESIDENT APPROPRIATE ACTION ON CERTAIN CONTRACTS REQUIRING
PRESIDENTIAL APPROVAL.

WHEREAS, Presidential action or approval is required under various laws for certain agreements or contracts entered into by the Government and its agencies;

WHEREAS, a number of these agreements or contracts involve highly technical matters.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. There is hereby created a Technical Committee which shall have the following functions:

- a) Review and recommend to the President appropriate action on such contracts or agreements requiring Presidential approval as may, from time to time, be referred to it by the President;
- b) Prepare studies and reports, as may be requested by the President, in connection with said contracts and agreements, including but not limited to procedures and guidelines for ensuring fairness, efficiency, and honesty in the award as well as in the content thereof.

SECTION 2. The Technical Committee shall be composed of the heads of the Government Financial Institutions, namely, the DBP, PNB, GSIS, SSS, and LBP. The members of the Committee shall elect who among them shall be its Chairman.

SECTION 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 10th day of November, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 46
AUTHORIZING WESTERN GUARANTY CORPORATION TO BECOME A SURETY UPON
OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise or of any undertaking or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, WESTERN GUARANTY CORPORATION is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby authorize WESTERN GUARANTY CORPORATION to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject, however, to the condition that the amount constituting the contributed surplus fund shall not at anytime be withdrawn and paid back in cash to the contributing stockholders without prior recommendation and justification by the Insurance Commissioner duly approved by the Secretary of Finance, and provided further, that the moment WESTERN GUARANTY CORPORATION becomes indebted to any government instrumentality or political subdivision thereof, or to any government owned or controlled corporation in the total amount of ₱50,000.00 accruing from the issuance of bonds, the same having become due and demandable, the insurance company must voluntarily desist from writing or issuing all kinds of bonds until the outstanding liabilities in government bonds shall have been fully paid or settled. Non-payment of liabilities shall be a cause for the immediate revocation of the Administrative Order.

Done in the City of Manila, this 10th day of November, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Acting Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 47
SUSPENDING ASSISTANT PROVINCIAL FISCAL JUVENCIO M. NARITO OF MARINDUQUE
FOR TEN (10) DAYS WITHOUT PAY.

This is an administrative case filed by Alfonso D. Hidalgo against Assistant Provincial Fiscal Juvencio M. Narito of Marinduque for dereliction of duty and unethical practice.

The records show that Alfonso D. Hidalgo was the complainant in “People of the Philippines vs. Estefanio Guerrero” for qualified theft (Criminal Case No. 53-74, CFI-Marinduque). On September 14, 1976, the respondent trial Fiscal rested the case for the prosecution. On the aforesaid date, the defense counsel announced that he was filing a motion to dismiss or demurrer to the evidence. The trial Court ordered the defense to file its said motion within twenty (20) days from receipt of the transcript of stenographic notes, and the prosecution to file its opposition thereto within twenty (20) days upon receipt of the copy of the motion to dismiss. The trial Court set the motion for oral argument on December 14, 1976.

On December 14, 1976, the respondent Fiscal was not able to submit his opposition to the motion to dismiss, as he was furnished a copy of said motion only on the morning of the hearing. He then requested the Court for an extension of time within which to file his opposition. The trial Court granted his request, and gave him up to January 3, 1977, within which to submit his opposition. Thereafter, the matter shall be deemed submitted for resolution without further arguments. The respondent Fiscal was not able to file his opposition on January 3, 1977. He moved for a ten (10) day extension of time to do so. In its Order of January 4, 1977, the trial Court denied the respondent Fiscal’s motion for extension. In the same order, the Court granted the defense’s motion to dismiss, thus acquitting the accused. This is the basis of the complaint for dereliction of duty.

On the charge of unethical practice, complainant alleges that the respondent Fiscal did not bother to inform him of the status of the case.

The respondent Fiscal denies the twin charges against him. He invokes the defense of heavy volume of work for his failure to file his opposition within the reglementary period. He claims that the ten (10) day extension he requested was his first request for extension, and that it was reasonable. He attributed the dismissal of the case to the trial Court’s exercise of discretion.

As to the charge of dereliction of duty, this Office finds untenable the explanation of the respondent Fiscal. Mere volume of work is not and should never be countenanced as a justification for one’s inability to perform an official task. Otherwise, others who might be similarly situated could easily evade work on the pretext of being overburdened when all that needs to be done is to maintain an order of priorities in meeting the daily challenges of one’s job.

However, the respondent Fiscal cannot be held responsible for his alleged unethical conduct for failure to inform the complainant of the status of the case at all times. No lawyer and client relationship exists between the complainant and the respondent, because a Fiscal represents the People of the Philippines. In this regard then, this Office finds the inadvertence of the respondent Fiscal excusable.

WHEREFORE, and as recommended by the Minister of Justice, Assistant Provincial Fiscal Juvencio M. Narito of Marinduque is hereby suspended from office for ten (10) days without pay, effective upon receipt of a copy of this Order.

Done in the City of Manila, this 10th day of November, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Acting Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 48
DESIGNATING THE SECRETARY OF JUSTICE AS MEMBER OF THE COMMITTEE
ON PRIVATIZATION (COP)

Pursuant to Section 3 of Proclamation No. 50, as amended, I hereby designate the Secretary of Justice as a member of the Committee on Privatization. He will replace the Chairman of the Presidential Commission on Government Reorganization whose office has already been abolished.

DONE in the City of Manila, this 16th day of November, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) **CORAZON C. AQUINO**

By the President:
(Sgd.) **CATALINO MACARAIG, JR.**
Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 49
PLACING THE PHILIPPINE INFORMATION AGENCY UNDER THE OFFICE
OF THE PRESS SECRETARY.

WHEREAS, the Philippine Information Agency (PIA) and the Office of the Press Secretary have almost identical objectives that of providing a two-way information network between the government and the citizenry; and

WHEREAS, there is urgent need to place the PIA under the supervision and control of the Office of the Press Secretary to enable the two offices to undertake an integrated approach and direction towards the attainment of the foregoing objective.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

1. The Philippine Information Agency, created under Executive Order No. 100 dated December 24, 1986, is hereby placed under the supervision and control of the Office of the Press Secretary.

2. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 20th day of November, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Acting Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 50
SUSPENDING ATTY. ANTONIO S. ROQUE FROM OFFICE AS REGIONAL DIRECTOR FOR
REGION 8 OF THE CITIZENS LEGAL ASSISTANCE OFFICE.

This refers to the administrative case filed by Florentina L. Laurente, Winifredo Losmagos and Gloria Losmagos against Atty. Antonio S. Roque, Regional Director for Region 8 of the Citizens Legal Assistance Office, for gross negligence and for demanding and receiving from complainants the amount of ₱500.00.

As regards the first charge, records show that, on December 6, 1979, respondent filed with the then Court of First Instance of Leyte Civil Case No. 5973 (for partition and accounting with damages) with the complainants herein and six others as plaintiffs. On March 31, 1982, the Regional Trial Court of Leyte dismissed the aforesaid case for failure of the plaintiffs to prosecute the case, citing as lack of interest the latter's inaction for almost two (2) years. On motion of the plaintiffs, the Court, in its Order of April 28, 1982, reinstated the case and set it for hearing on May 24, 1982. Thereafter, the Court again dismissed the case. In dismissing the case for the second time, the Court noted that plaintiffs did not move to declare defendants in default despite their (defendants) failure to file a responsive pleading within the reglementary period; and observed that plaintiffs did not even try to find out if the defendants had been served with summons. All these were viewed by the Court as patent and obvious lack of interest on the part of the plaintiffs to prosecute the case. Two motions for reconsideration were filed by respondent, which were, however, denied by the Court in an Order dated July 5, 1982.

In his defense, respondent averred that the civil case was not at all triable, as some defendants had not been summoned, the responsibility for which lies not in him but with the Court; that the Court had not appointed a guardian ad-litem for the three defendants who were minors; and that, since the civil case was for partition of property, a declaration of default would serve no purpose, since a defaulted party will not be excluded from the partition.

The defense interposed by respondent is devoid of merit. Respondent's bare allegation shifting the burden of responsibility to the Court cannot prevail over the positive findings of the latter of plaintiffs' failure to prosecute. There is nothing in the records that would show that, after respondent had filed the case, he tried to determine if the case was ready for trial. Neither did he exert any effort to ensure the early trial of the case.

With regard to the other charge of demanding and receiving ₱500.00 from complainants without issuing a proper receipt therefor, no sufficient evidence was presented finding respondent guilty thereof.

WHEREFORE, and as recommended by the Secretary of Justice, Atty. Antonio S. Roque is found guilty of negligence in handling Civil Case No. 5973 and is hereby suspended from office as Regional Director for Region 8 of the Citizens Legal Assistance Office for a period of one (1) month without pay, effective upon receipt of a copy of this Order. He is also warned that repetition of the same or similar offense will be dealt with more severely.

Done in the City of Manila, this 26th day of November, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Acting Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 51
DESIGNATING THE RIZAL DAY NATIONAL COMMITTEE

WHEREAS, the 91st Death Anniversary of Dr. Jose P. Rizal on December 30, 1987 falls in the year when our nation has established the strong democratic institutions for the attainment of peace and the promotion of the ideals and aspirations of our people;

WHEREAS, it is fitting that all officials and citizens of the Republic render tribute to the ideals and noble cause embodied in the life and martyrdom of our national hero and patriot.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Republic of the Philippines, call upon all our people to observe this anniversary with the most appropriate ceremonies and programs expressive of the nation's highest homage and gratitude.

I hereby designate the Rizal Day National Committee composed of the following:

Hon. Lourdes R. Quisumbing, Secretary of Education, Culture & Sports	Chairperson
Hon. Guillermo N. Carague, Secretary of Budget and Management.....	Member
Hon. Teodoro Benigno, Press Secretary	Member
Hon. Fiorello R. Estuar, Undersecretary of Public Works & Highways.....	Member
Hon. Lito Monico Lorenzana, Undersecretary of Local Government	Member
Hon. Rosita L. Fondevilla, Undersecretary of Social Welfare and Development	Member
Hon. Miguel Perez Rubio, Chief Presidential Protocol Officer	Member
Hon. Elfren S. Cruz, Governor of Metro Manila	Member
Hon. Gregorio Ejercito, OIC-Mayor of Manila	Member
Justice Conrado Vasquez, Supreme Commander of the Knights of Rizal	Member
Mrs. Trinidad Gomez, President of the Civic Assembly of Women of the Philippines.....	Member
Mr. Serafin Quiason, Jr., Chairman of the National Historical Institute.....	Member
Mr. Amado J. Lansangan, Chairman of the National Park Development Committee.....	Member
Mr. Teodoro Locsin, Sr.	Member

to organize and effect all arrangements necessary for the appropriate celebration of the day all over the Philippines and secure the cooperation of all government and private instrumentalities to ensure its success. The Committee may create such subcommittees as may be necessary.

The Chairman shall designate the Secretary of the Committee.

Done in the City of Manila, this 21st of December, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 52
AUTHORIZING THE FIRST NATIONWIDE ASSURANCE CORPORATION
TO BECOME A SURETY UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS
AND UNDERTAKINGS

WHEREAS, Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal, or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond, or undertaking specified, is, by the laws of the Philippines, or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, the said Act, as amended, further provides that no head of Department, court, judge, officer, board, or body executive, legislative or judicial shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract, or undertaking, unless such corporation has been authorized to do business in the Philippines in the manner provided by the provisions of the said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds, and undertakings;

WHEREAS, the FIRST NATIONWIDE ASSURANCE CORPORATION is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize FIRST NATIONWIDE ASSURANCE CORPORATION to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject, however, to the condition that the amount constituting the contributed surplus fund shall not at anytime be withdrawn without prior recommendation and justification by the Insurance Commissioner duly approved by the Secretary of Finance, and provided further, that the moment FIRST NATIONWIDE ASSURANCE CORPORATION becomes indebted to any government instrumentality or political subdivision thereof, or to any government-owned or controlled corporation in the total amount of ₱50,000.00 accruing from the issuance of bonds, the same having become due and demandable, the insurance company must voluntarily desist from writing or issuing all kinds of bonds until the outstanding liabilities in government bonds shall have been fully paid or settled. Non-payment of liabilities shall be a cause for the immediate revocation of the Administrative Order.

Done in the City of Manila, this 21st day of December, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1987). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 53
CREATING A NATIONAL COMMITTEE FOR THE COMMEMORATION OF THE SECOND
ANNIVERSARY OF THE FEBRUARY 22-25, 1986 REVOLUTION.

WHEREAS, the February 22-25, 1986 Revolution ushered in a new political, social and economic system anchored on democratic traditions;

WHEREAS, there is need to commemorate said occasion in recognition of our people's capacity to transform their way of life and the future of their nation if they act decisively as one with vision and courage.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby create a National Committee for the commemoration of the Second Anniversary of the February 22-25, 1986 Revolution.

The Committee shall be composed of the following:

Ms. June Keithley	– Chairperson
Secretary of National Defense	– Member
Secretary of Social Welfare and Development	– Member
Press Secretary	– Member
AFP Chief of Staff	– Member
A representative of His Eminence Jaime Cardinal Sin	– Member, representing the religious sector
Mr. Alberto Lim	– Member, representing the cause-oriented groups
Mr. Ramon del Rosario, Jr.	– Member, representing the business sector
Ms. Susan Sonya Severino	– Member
Mr. Jim Paredes	– Member
Mr. Victor Lim	– Member
Mr. Chito Gascon	– Member, representing the youth sector

The Committee shall have the following functions:

1. Formulate and implement a comprehensive plan for the commemoration of the Second Anniversary of the February 22-25, 1986 Revolution; and

2. Direct, supervise and coordinate the participation of all sectors who have signified their intentions to celebrate the occasion of the Second Anniversary of the February 22-25, 1986 Revolution under this Administrative Order.

The Committee is hereby authorized to call on any government agency for support and assistance in the accomplishment of its tasks under this Administrative Order.

The Secretary of Budget and Management is hereby authorized to allocate the amount necessary to support this activity.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 19th day of January, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 54
IMPOSING THE PENALTY OF SUSPENSION FROM OFFICE ON FAUSTINO H. PARAGUYA,
FIRST ASSISTANT PROVINCIAL FISCAL OF SURIGAO DEL NORTE FOR A PERIOD
OF ONE (1) MONTH.

This refers to the administrative case filed by Quintin E.L. Paredes, Provincial Fiscal of Surigao del Norte, against Assistant Provincial Fiscal Faustino Paraguya for reckless negligence, short of infidelity in the custody of documents.

The complaint, dated April 15, 1987, which arose from the loss of documentary evidence/exhibits in connection with Criminal Case No. 601, known as the SIARELCO case, was filed with the Ministry (now Department) of Justice on May 8, 1987. Subsequently, respondent Fiscal Paraguya was directed to file his answer to the complaint. In compliance therewith, respondent fiscal submitted his answer contained in a 2nd indorsement, dated June 17, 1987, alleging *inter alia* that:

“With all honesty, I beg to say that I wanted to help prosecute this case to the fullest to prove to Fiscal Paredes who was very instrumental in making me the 1st Assistant Provincial Fiscal and to the Department of Justice my efficiency and high performance. x x x

“Presently, I am in the midst of reconstituting those lost evidences. Spending time, efforts and money of my own just to reconstruct said evidences. I am actually doing this because I know and understand the consequences of losing this case. This is a celebrated case.”

The Secretary of Justice, in his letter dated November 11, 1987, recommended that the penalty of suspension from the service for a period of one (1) month be meted out on respondent. The recommendation was premised on the following:

“Fiscal Paraguya admitted having taken the records of the case in order to study it thoroughly. He claimed he returned the records to the Acting Records Officer and discovered that the exhibits were missing only on March 6, 1987 when the case was called for the continuation of the trial.

“In deciding the recommended penalty, I took into consideration his candour in accepting the blame; his plea for clemency and understanding; and his promise to exert efforts towards the reconstruction of the lost exhibits.”

After a careful review of the case, I agree with and adopt the findings and recommendation of the Secretary of Justice, supported, as they are, by the evidence on record.

WHEREFORE, and upon the recommendation of the Secretary of Justice, respondent Assistant Provincial Fiscal Faustino H. Paraguya of Surigao del Norte is hereby suspended from office without pay for a period of one (1) month, effective upon receipt of a copy hereof.

Done in the City of Manila, Philippines, this 29th day of January, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 55
PROVIDING FOR CABINET OFFICERS FOR REGIONAL DEVELOPMENT

WHEREAS, the Government is committed to pursue a more active role in its relationship with the public;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Cabinet Officers for Regional Development. In addition to a Cabinet Member's regular duties he may be assigned to a Region to discharge, with respect to that Region, the functions, duties and responsibilities herein provided. The Member of the Cabinet so assigned shall be called the Cabinet Officer for Regional Development, hereinafter referred to as CORD.

SECTION 2. Functions, Duties and Responsibilities of the CORD.

The CORD shall:

- (a) Assist in articulating the Region's concerns and perceptions in the Cabinet, with the other Departments, the Office of the President, and concerned agencies;
- (b) Assist the President in the speedy, efficient, honest and orderly resolution of problems in government operations in the Region;
- (c) Assist in identifying and clarifying the key development issues, priorities and projects in the Region;
- (d) Support the development of the institutional capabilities of the Region's administrative machinery;
- (e) Formulate a plan of action, consistent with this Administrative Order, which plan of action shall be subject to the approval of the President;
- (f) Go on regular visits to his Region of assignment;
- (g) Function as Convenor during the Presidential Regional consultations;
- (h) Submit a monthly report of his activities to the President. A standard format shall be adopted for this purpose; and
- (i) Perform such other functions as may be determined by the President.

SECTION 3. Operational Relationships. – The CORD shall coordinate with the various agencies and local government units in the discharge of his functions, duties and responsibilities. The CORD shall not duplicate the regular functions of any government agency or body. He shall deal with the existing administrative bodies through their central offices when calling attention to specific matters of concern.

SECTION 4. Repealing Clause. – All orders, issuances, rules and regulations and other issuances or parts thereof which are inconsistent with this Administrative Order are hereby repealed or modified accordingly.

SECTION 5. Effectivity. – This Administrative Order shall take effect immediately.

Done in the City of Manila, this 9th day of February, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 56

CREATING A COMMODITY AID COMMITTEE TO COORDINATE PROGRAMS RELATED TO THE EFFECTIVE DELIVERY AND UTILIZATION OF FOOD AND MEDICINE DONATED BY FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS.

WHEREAS, the closer coordination among the agencies directly involved in the handling and distribution of foreign donated medicines and food has become necessary to effectively achieve and improve cost efficiency;

WHEREAS, the centralized planning of programs directly related to the distribution of foreign donated food and medicine is essential to ensure no overlapping of beneficiaries and to improve the network of distribution;

WHEREAS, there is a need to establish standardized procedures for the domestic transport, hauling, handling, storage and other related services for the distribution and effective delivery of all foreign donated medicines and food to their recipient agencies/programs/beneficiaries; and

WHEREAS, the centralization of contracting transport, hauling, handling and storage procedures would be most cost efficient to exact lowest possible freight/handling rates and more comprehensive liability coverage for losses, and would establish transparent procedures to enable the Government to monitor the delivery of the aid commodities with their required local counterpart resources.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. Creation of a Commodity Aid Committee. There is hereby created a Commodity Aid Committee, hereinafter referred to as the COMMITTEE, to be composed of the duly authorized representatives of at least directorial level from the following:

- a. Department of Social Welfare and Development (DSWD)
- b. Department of Education, Culture and Sports (DECS)
- c. Department of Health (DOH)
- d. Department of Budget and Management (DBM)
- e. Department of Finance (DOF)
- f. Department of Transportation and Communications (DOTC)
- g. Commission on Audit (COA)
- h. National Economic and Development Authority (NEDA)
- i. Department of Agriculture (DA)

The agencies directly involved in the distribution of foreign donated medicine and food are the DSWD, DECS and DOH which shall hereinafter be referred to as agencies.

The National Nutrition Council of DSWD shall serve as the Secretariat.

SECTION 2. Chairperson of the Committee. The chairperson of the Committee shall be chosen in its en banc meeting from among the representatives of the members of the Committee who are not directly involved in the distribution of foreign donated medicines and food aid. Selection of the chairperson shall be done immediately or not more than thirty (30) days from the effectivity of this Administrative Order.

SECTION 3. Powers and Functions of the Committee. The Committee shall perform the acts herein stipulated and all other functions it may deem necessary for the successful implementation of the program.

1. It shall work at centralizing those aspects of food and medicine aid where there is demonstrated advantage at centralizing. For this purpose, the committee is hereby authorized and empowered to require submission by agencies of report necessary for the implementation of the program.
2. It shall conduct a thorough study on the relevant problems with particular focus on improving cost-efficiency and program coordination and expanding the coverage to a greater number of target beneficiaries.
3. It shall process the bidding and awarding of freight forwarding services which shall involve the following activities:
 - a. consolidate request for freight forwarding services from the agencies;
 - b. design a pro-forma shipping contract between the agency and the freight forwarder;
 - c. set pre-qualification requirements for interested bidders;
 - d. issue tender calls for bidders;
 - e. open and award bids in the presence of the agency's Commission on Audit resident auditors on authorized COA representatives;
 - f. prepare and submit a report on the conduct and results of the bids to heads of the agencies enumerated in Section 1; and
 - g. maintain file pertaining to bidders and contractors' performance.
4. It shall review the roles of private voluntary organizations such as the Cooperative for American Relief Everywhere (CARE) and Catholic Relief Center (CRS).
5. It shall recommend consolidated guidelines and policies governing the receipt and utilization of food and medicine aid requiring budgetary outlays from the Government of the Philippines.

SECTION 4. This Order shall take effect immediately.

DONE in the City of Manila, this 12th day of February, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 57

**DIRECTING THE LIQUIDATION OF SELECTED GOVERNMENT-OWNED OR CONTROLLED
CORPORATIONS REGISTERED WITH THE SECURITIES AND EXCHANGE COMMISSION**

WHEREAS, numerous government-owned or controlled corporations were indiscriminately established through registration with the Securities and Exchange Commission in disregard of the Constitutional mandate that government-owned or controlled corporations may be created only by special charters;

WHEREAS, the objectives and purposes for which the aforementioned corporations were created are no longer in conformity with the present social and economic development program of the government;

WHEREAS, studies conducted pursuant to Executive Order Nos. 5 and 165 disclosed that continued maintenance of said corporations is inimical to the national interest and the common good.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. Abolition of Selected Government-Owned or Controlled Corporations Registered with the Securities and Exchange Commission.

The following corporations are hereby abolished:

1. Agro-Industrial Resource Mobilization Corporation
2. Alfombras Manuales Filipinas, Inc.
3. Asean Philippine Copper Holdings, Inc.
4. Basin Fiberglass Corporation
5. East Visayas Transport Corporation
6. Entertainment Philippines, Inc.
7. Farmacor, Inc.
8. Hyacinth Products Enterprises & Resources Dev't. Corp.
9. Leyte Wood Exports Corporation
10. Liquid Gas Philippines, Inc.
11. NDC-Shell (Billiton) Mineral Investments, Inc.
12. NDC-Logistics Corporation
13. National Aero Manufacturing Corporation
14. National Heavy Engineering Corporation
15. National Investment and Development Corporation
16. National Rayon Corporation
17. National Tinplate Corporation
18. PNL Leasing Company, Inc.
19. PNOC Alcohol Corporation
20. PNOC Enercon Corporation
21. PNOC Geothermal Technology Corporation
22. PNOC Petrochemical Development Corporation
23. PNOC Petroleum Tankers, Inc.

24. Perkins Engines Eastern (Phil.), Inc.
25. Philippine Aero Transport, Inc.
26. Philippine Resource Helicopters, Inc.
27. Phividec Foundation, Inc.
28. Recto Central Park Development Corporation
29. Republic Sugar Development Corporation
30. Rural Energy Systems International, Inc.
31. Sab-A Feeds Enterprises, Inc.
32. Samar Sea-Ticao Pass Fisheries Development Corporation
33. Technology Management Development Corporation
34. The Borromeo Corporation
35. Universal Computer Resources Network, Inc.

SECTION 2. Dissolution Process. The abolished corporations are hereby directed to immediately effect the dissolution of their respective corporate existence, in accordance with the Corporation Code of the Philippines and the provisions of pertinent rules and regulations.

SECTION 3. Monitoring and Coordinating Agency. The Department of Budget and Management (DBM) is hereby designated to monitor and coordinate with the said corporations and/or the respective Departments to which they are attached to ensure the effective implementation of the intent and provisions of this Administrative Order.

The DBM shall submit a periodic report to the President of the status of the dissolution process for each of the abolished corporation. Likewise, the DBM shall submit a closing report for each abolished corporation where the dissolution process has been completed.

SECTION 4. Effectivity. This Order shall take effect immediately

DONE in the City of Manila, this 12th day of February, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 58
RECONSTITUTING THE CABINET CRISIS COMMITTEE

The Cabinet Crisis Committee created to attend to the matter of preventing a recurrence of the January 26th, 1987 attempted coup and how to meet a similar situation is hereby reconstituted as follows:

Dr. Emanuel V. Soriano	– Chairman
Secretary Jose S. Concepcion, Jr.	– Member
Secretary Alfredo R.A. Bengzon	– Member
Secretary Luis Santos	– Member
Secretary Vicente Jayme	– Member
Secretary Fidel V. Ramos	– Member
Lt. Gen. Renato de Villa	– Member

This Administrative Order takes effect immediately.

DONE in the City of Manila, this 16th day of February, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 59
RATIONALIZING THE GOVERNMENT CORPORATE SECTOR

WHEREAS, there is need to improve the efficiency of government-owned and controlled corporations and their subsidiaries in order to promote economy, efficiency and effectiveness in the delivery of public services;

WHEREAS, in the past there was an excessive proliferation of government-owned and controlled corporations without clear delineation of the grounds for government activities in corporate form and without adequate supervision and control; and

WHEREAS, there was a discouragement of private initiative on account of undue government competition, and because of the lack of oversight mechanisms, the financial performance and productivity of government corporations, in the aggregate, were below desirable levels.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

ARTICLE I. GENERAL PRINCIPLES AND GUIDELINES

SECTION 1. Policy Orientation. Pursuant to the policy under existing laws to rationalize the government corporate sector, this Administrative Order shall (1) provide the principles and standards to be followed in the creation, management, administration, supervision and liquidation of government-owned and controlled corporations, (2) define the guidelines in determining the areas or activities of government in which the corporate form shall be utilized, and (3) set down policy measures to improve the organizational and functional capabilities of government corporations.

SECTION 2. Definition of Terms. As used in this Administrative Order, the following terms shall mean:

- (a) Government-owned and/or controlled corporation, hereinafter referred to as GOCC or government corporation, is a corporation which is created by special law or organized under the Corporation Code in which the Government, directly or indirectly, has ownership of the majority of the capital or has voting control; Provided, That an acquired asset corporation as defined in the next paragraph shall not be considered as GOCC or government corporation.
- (b) Acquired asset corporation is a corporation (1) which is under private ownership, the voting or outstanding shares of which (i) were conveyed to the government or to a government agency, instrumentality or corporation in satisfaction of debts whether by foreclosure or otherwise, or (ii) were duly acquired by the government through final judgment in a sequestration proceeding; or (2) which is a subsidiary of a government corporation organized exclusively to own and manage, or lease, or operate specific physical assets acquired by a government financial institution in satisfaction of debts

incurred therewith, and which in any case by law or by enunciated policy is required to be disposed of to private ownership within a specified period of time.

SECTION 3. Guidelines for Government Participation/Intervention. The Government may participate, intervene in areas or activities primarily reserved for the private sector on the basis of the following guidelines:

- (a) The Government recognizes the primary role of the private sector in undertaking desirable economic activities. Accordingly, it shall avoid engaging in activities that are in competition with the private sector.
- (b) The Government may participate/intervene (i) when the goods and service to be provided are vital to society and the private sector is unwilling or unable to provide the same or expand its capacity to meet market demand, or (ii) when intervention in free market operations is justified by the need to create a bias in favor of disadvantaged sectors of society.
- (c) Whenever Government participation/intervention is justified, the corporate form shall be utilized only when any of the following conditions exist: (a) when the nature of the goods or services to be produced or the market environment under which the activities are to be carried out dictates a need for operations to be undertaken under procedures less restrictive than those prescribed standard government regulations applicable to bureaus and other regular line agencies of Government; (b) when it is the intent to limit the liability of Government to its direct equity exposure in the activity or operation; or (c) when the GOCC so established is reasonably expected to be financially self-sustaining.

SECTION 4. Provision of Adequate Operational Flexibility. Government corporations shall be provided with adequate operational flexibility in order to function properly and efficiently, especially under conditions of market competition. Such flexibility shall nevertheless be consistent with the requirements of public accountability.

SECTION 5. Differential Treatment. To implement the concept of adequate operational flexibility, GOCCs shall, subject to existing laws, be accorded differential treatment by the various service-wide agencies, such as the Department of Budget and Management (DBM) and the National Economic and Development Authority (NEDA), in the exercise of their respective powers and functions. Such agencies shall distinguish corporate organizational and procurement practices from those of bureaus and regular line agencies of government.

In the formulation of differential treatment, GOCCs may be classified into functional or sectoral groupings. For this purpose, the Government Corporate Monitoring and Coordinating Committee (GCMCC) as reconstituted under Executive Order No. 236 dated July 22, 1987 shall, in consultation with the various service-wide agencies, coordinate the classification of GOCCs according to functional and sectoral groupings.

The DBM shall, to the extent possible, observe the applicable industry standards in the promulgation of budget circulars and regulations. Towards this end, the DBM shall endeavor to streamline its operations with respect to GOCCs.

The NEDA shall likewise formulate policies providing for differential treatment for infrastructure contracts and major procurement of equipment and the like by GOCCs, such policies to be made in the context of comparable appropriate industry practices and standards.

Nothing in this Section shall be construed as in any way diminishing or limiting the responsibilities and accountabilities of GOCCs and their respective officers.

SECTION 6. Non-Preferential Treatment. The Government shall observe the following policy measures and limitations, with respect to government corporations:

- (a) The Government shall see to it that government corporations observe judicious restraint in the exercise of their quasi-judicial, adjudicatory authority or regulatory functions, especially in areas where they compete with the private sector, to allow the latter to operate under a regime of less restrictions and to encourage fair competition; except when the performance of regulatory functions is absolutely necessary in the pursuit of the national interest and security.
- (b) To avoid undue or unfair competition, government corporations operating in a particular sector or industry shall be subjected to rules and regulations applicable to their private sector counterparts.
- (c) Government agencies and entities which have the discretion to grant competitive advantages and benefits to GOCCs, shall, as a general rule, avoid the granting of such advantages and benefits especially to GOCCs which directly or indirectly compete with private sector. The advantages and benefits mentioned hereof include Government guarantees for debts incurred and special privileges such as partial or full exemption from the payment of taxes, duties, imposts, and other charges. This rule shall not apply when the government corporation concerned is organized solely for cultural, educational, civic or scientific purposes.

The above limitations shall, however, be without prejudice to the Government providing financial assistance to government corporations in the form of equity contributions, or loans and advances which when extended shall preferably be under terms not more favorable than those obtaining in the market; Provided, that the Government may grant subsidies to GOCCs if any of the following conditions exists: (a) when the subsidy is justified by the need to create a bias in favor of disadvantaged sectors of society; or (b) when a fortuitous event, although temporary in nature, will affect the operational viability of a GOCC.

In like manner, government corporations shall not be subject to undue constraints or limitations not imposed on their private counterparts in their respective areas of operation.

ARTICLE II. GUIDELINES FOR DEPARTMENTAL SUPERVISION

SECTION 7. Continuance of the Attachment Relationship Between Corporations and Departments or Their Equivalent Bodies. The operational relationship between GOCCs and Departments or bodies to which they are attached and which are responsible for overseeing them shall be observed in accordance with the provisions of existing laws.

SECTION 8. Departmental Supervision of Attached Government Corporations. When GOCCs are attached to a Department or other equivalent bodies, the latter shall ipso facto be responsible for ensuring that the policies and programs of such GOCCs, such as their budgets and operations, as well as their production, financial and other corporate targets, and disposition of profits, are consistent with sectoral policies and programs.

All Departments and government bodies with attached GOCCs, shall:

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- (a) Enforce Departmental oversight of GOCCs, particularly over those incurring losses or are unable to service their obligations, through the examination, review and concurrence of their operating and capital budgets, as well as to ensure compliance with performance targets as agreed upon with the GCMCC.
 - (b) Conduct management audit of any GOCC reasonably believed to have been mismanaged upon prima facie showing of such mismanagement and take such action as may be appropriate under the circumstances; and
 - (c) See to it that aspects of corporate operations in which the Commission on Audit has significant audit findings or opinions are looked into.

SECTION 9. Role of the Department in Corporate Decision-Making. The greatest possible degree of autonomy in decision-making at the operational level shall be accorded attached GOCCs. In implementing the attachment relationship, the role of the Department in corporate decision-making shall be limited to: (a) ensuring that proposed corporate plans and programs are congruent with its own sectoral objectives and priorities; (b) determining the implications of such proposed plans and programs on those of other GOCCs attached to the Department; (c) reviewing the assumptions given and calculations made in justifying the viability of such proposed plans and programs and passing upon the targets proposed to be achieved; (d) monitoring the operating results and financial performance of the attached corporation on a periodic basis to ensure that agreed targets are being faithfully pursued, without prejudice to GCMCC's monitoring, performance evaluation and other related functions.

SECTION 10. Departmental Representation in Corporate Governing Boards. Unless otherwise provided by law, a Department to which a GOCC is attached shall have a representative in the Board of Directors of the attached GOCC to provide a two-way flow of timely, relevant and accurate information between the Department and the attached GOCC on all matters necessary for effectively coordinating the plans and programs of the GOCC with the policies and objectives of the Department.

SECTION 11. Authority/Powers of Department Secretary over Attached GOCCs. To the extent consistent with existing laws, the Secretary to whose Department a GOCC is attached shall have the following responsibilities:

- (1) Recommend to the President the appointment of the members of the board, including the chairman;
- (2) Recommend to the President the appointment of the full-time chief executive officer of the GOCC who may come from among the members of the board;
- (3) Recommend to the President the removal and the suspension of any member of the board of directors or Chief Executive Officer;
- (4) Set overall objectives of the GOCC by the issuance of general guidelines to the board of directors;
- (5) Require reports and data from the board of directors or the chief executive officer regarding the GOCC's performance;
- (6) Approve the annual report, budget proposals, and modifications of the articles of incorporation or by-laws; and
- (7) Exercise such rights as are normally enjoyed by stockholders or members of a GOCC, except that visitatorial power is limited to financial transactions of the GOCC.

The Secretary shall not, however, intervene in any particular action taken by the board of directors, the chief executive officer, or other subordinate personnel of the GOCC.

SECTION 12. Monitoring of Performance. The Department shall monitor periodically, as part of its routine supervisory function, the operating results and financial performance of the corporation for the purpose of insuring that both objectives and execution of the corporate plans and programs are being effectively pursued and implemented. For this purpose, the Department shall, among others, require the GOCC to render periodic reports on the progress of plans and programs, including the audit of the annual financial statements of the GOCC as well as other types of audit examination in appropriate cases as hereafter provided. The periodic monitoring and performance results and the recommendations and actions taken thereon, shall be submitted to the GCMCC as inputs for the latter's discharge of its inter-departmental coordinative and performance evaluation function of the GOCC operations. Such monitoring by the Department shall be without prejudice to the GCMCC requiring data and information at such periodic intervals as it may deem necessary for its own special purposes.

ARTICLE III. INTER-DEPARTMENTAL COORDINATION, MONITORING AND EVALUATION OF GOVERNMENT CORPORATE OPERATIONS

SECTION 13. Central Inter-Departmental Body. The GCMCC as reconstituted under Executive Order No. 236 shall serve as the central inter-departmental body for all GOCCs which the President deems should be monitored.

SECTION 14. Performance Criteria and Evaluation. Pursuant to Executive Order No. 236 and its implementing guidelines, operationally meaningful financial and economic performance criteria shall be formulated in order that corporate management may be fully aware of the standards and targets by which their operations will be assessed.

Such performance criteria shall include both those which are applicable to GOCCs in general and those which are specific to each GOCC or group of similar GOCCs and shall be translated into appropriate quantitative multi-year performance targets which shall be agreed upon by the GCMCC, the concerned GOCC and the Department to which the GOCC is attached.

SECTION 15. Role of Service-Wide Agencies. All service-wide agencies dealing with and affecting the operations of GOCCs shall continue to exercise their respective present functions, but shall however observe the policies and guidelines herein provided to the extent that they are not inconsistent with their duties and responsibilities as provided for in specific laws.

ARTICLE IV. PROPOSALS, RECOMMENDATIONS AND STUDIES ON THE GOVERNMENT CORPORATE SECTOR

SECTION 16. Role of the GCMCC in the Review of Studies and Proposals Pertaining to the Government Corporate Sector. The GCMCC shall review and evaluate all proposals, recommendations and studies pertaining to the government corporate sector before they are submitted to the President. The GCMCC, in coordination with other concerned agencies, shall take cognizance of such matters related to the general powers of the corporation, the composition, powers and functions of the board, the powers and functions of the chairman of the board and the chief executive officer, including their relationship, the basic organizational structure, borrowing powers and limitations, standard accounting systems and other related matters. Such proposals and recommendations, whenever feasible, shall be accomplished through the issuance of pertinent executive orders, rules, regulations and procedures by the concerned government agency, or whenever applicable, by the GOCCs themselves.

To the extent practicable, the GCMCC, other government agencies, and GOCCs shall be guided by the following principles in implementing the provisions of this Section:

(1) Governing Boards. A GOCC shall be governed by a Board of Directors or equivalent body composed of an appropriate number of members to be appointed by the President of the Philippines upon the recommendation of the Secretary to whose Department the GOCC is attached. The Chairman of the board shall likewise be appointed by the President upon the recommendation of the Secretary.

(2) Powers and Functions of the Board. Insofar as it is not inconsistent with the charter of a given GOCC, the Board of Directors or equivalent body shall have the following powers and functions:

- (a) Formulate policies necessary for the attainment of the purposes and objectives for which the corporation has been organized and assure consistency with the overall objectives established by the Secretary for the GOCC as well as compliance with guidelines issued by the GCMCC;
- (b) Adopt by-laws consistent with existing laws and amend, repeal or alter such by-laws, subject to the approval of the Secretary;
- (c) Promulgate rules and regulations governing the manner in which the general business of the GOCC is to be exercised;
- (d) Pass upon and approve the appointment of the principal officers of the GOCC as nominated by the Chief Executive;
- (e) Determine the organizational structure of the corporation and create such positions as may be necessary for the economical, effective and efficient discharge of its functions and responsibilities;
- (f) Pass upon and approve, subject to the final action of the Secretary and the GCMCC, where appropriate, the annual and supplemental budgets, including corporate plans and annual and medium-term investments, submitted to it by the Chief Executive;
- (g) Pass upon and approve all borrowings of the GOCC;
- (h) Pass upon and approve management contracts, major procurement contracts as well as agreements to dispose of significant assets, and disposition of profits;
- (i) Render annual reports, including reports on subsidiaries, and such special reports as may be required by the President of the Philippines, the legislature, and other government supervising agencies;
- (j) Adopt rules and procedures and fix the time and place for holding meetings; and
- (k) Exercise such other powers and perform such other functions as may be required by law.

(3) Board Meetings and Compensation. The Board of Directors or equivalent body shall convene as frequently as is necessary to discharge its responsibilities properly, but shall meet at least once a month. The members of the board or their respective alternates shall receive such per diems, allowances and other emoluments as the board may determine in accordance with the standards and guidelines formulated by the GCMCC.

(4) Chief Executive and Other Officers of the GOCC. A GOCC shall have a President, General Manager, or Managing Director as the case may be, as its Chief Executive Officer who shall be appointed by the President of the Philippines upon recommendation of the Secretary from among the board members. He shall serve on a full-time basis for a fixed term or as provided in the charter unless

sooner removed for cause or by reason of incapacity. The Chief Executive Officer shall be of good moral character, of unquestionable integrity and responsibility, and shall be of recognized competence in the area of activity of the corporation.

No person can be a chief executive officer of more than one GOCC, except in the case of subsidiary of a GOCC of which he is already the chief executive officer.

The Chief Executive Officer shall be assisted by such other officers as may be necessary for the efficient operations of the corporation.

The salary and emoluments of the Chief Executive Officer of the GOCC shall be fixed by the board or equivalent body, subject to the standards and guidelines of the GCMCC. The salary and emoluments of the other principal officers of the corporation shall be determined by the Chief Executive Officer, subject to the board's approval and in accordance with the standards and guidelines of the GCMCC.

(5) Powers and Functions of the Chief Executive Officer. The Chief Executive Officer shall have the following powers and functions:

- (a) Execute, administer and implement the policies and measures approved by the board;
- (b) Direct and manage the affairs and business of the GOCC;
- (c) Submit within a specified number of days after the close of the calendar year an annual report to the board and such other reports as may be required;
- (d) Submit to the board, in line with the national budget cycle, an annual budget and such supplemental budgets as may be necessary for its consideration and approval;
- (e) Represent the GOCC in all dealings with other offices, agencies and instrumentalities of the Government and with all persons and entities, both public or private, domestic or foreign;
- (f) Appoint, with the approval of the board, and discipline for cause in accordance with civil service laws, rules and regulations, the subordinate officers and personnel of the corporation;
- (g) Transfer officers and personnel as the exigencies of the service may require without need of prior approval by the board and in accordance with existing rules and regulations;
- (h) Delegate authority, in whole or in part, to subordinate officers and personnel of the GOCC; provided that the authority to delegate has had the prior approval of the board; and
- (i) Perform such other duties as may be assigned to him by the board.

(6) Loans. A GOCC, when authorized under its charter to contract loans from domestic or foreign institutions or to issue bonds to carry out the purpose for which it was organized, may incur such indebtedness only after its board of directors or any equivalent body has deemed it necessary. Such board or equivalent body shall, by resolution, declare and state the purpose of the proposed debt and the terms and conditions under which it shall be incurred; Provided, That the GOCC's level of indebtedness shall be subject to the guidelines issued by the Department of Finance.

(7) Reports. A GOCC shall, within five (5) months after the end of every calendar year, submit its annual report to the President through the Secretary of the Department to which it is attached. It shall likewise submit such periodic and other reports as may be required of it from time to time especially with respect to progress made with regard to parent GOCC's supervision over subsidiaries as spelled out in the following Section.

(8) Supervisory Authority of Parent Corporations Over Subsidiaries. A parent GOCC shall be responsible for the activities and performance of its subsidiaries. It may, as appropriate, exercise supervisory and coordinative authority over the latter through the following means, among others:

- (a) Membership representation in the governing boards of the subsidiaries and, in appropriate cases, determination of the composition of such membership, subject to the approval of the Secretary to whose Department the GOCC is attached;
- (b) Retention of financial control over the subsidiaries by reserving the right to appoint the financial officers of such subsidiaries;
- (c) Assignment of its principal officials (such as assistant general managers) as liaison officers to the subsidiaries who shall be responsible for monitoring on a periodic basis the highlights and progress of activities of the subsidiaries for the purpose of having an overview of financial operations but not control over their day-to-day operations;
- (d) Requirement of periodic reports on the progress of activities and financial operations of subsidiaries;
- (e) Holding of regular meetings with the officers of the subsidiary corporations to discuss the progress of operations, particularly relative to the status of the achievement of targets; and
- (f) Holding of an annual planning conference to have a year-end assessment of performance and to present plans for the coming year.

ARTICLE V. CREATION, ACQUISITION AND DISSOLUTION OF GOVERNMENT CORPORATIONS

SECTION 17. Role of the GCMCC in Evaluating Proposals to Create, Acquire and Dissolve Government Corporations. Restraint shall be exercised in the creation or acquisition of corporations by the Government. Accordingly, all proposals for the acquisition, creation and dissolution of government corporations initiated and endorsed by any executive agency, office or instrumentality of the Government shall, in each case, be subject to the review and evaluation of the GCMCC in accordance with appropriate criteria established under this Administrative Order before they are submitted to the President. The GCMCC shall advise the President regarding proposed government corporations to be created by the legislature. All proposals to acquire a government corporation, including proposals to establish subsidiary corporations, shall be submitted to the President for decision/approval.

The conversion into equity of loans previously extended by a GOCC to a privately owned corporation organized under the Corporation Code, which conversion will result in majority ownership or control by said GOCC in said debtor corporation, shall require the prior approval of the President upon recommendation of the GCMCC.

In reviewing and evaluating a proposal to dissolve a government corporation, the following shall be considered by the GCMCC:

- (a) The corporate life of the GOCC as specified under its Charter;
- (b) The fulfillment of the objectives for which the GOCC was created;
- (c) The financial, economic and social viability of the GOCC; and
- (d) The GOCC's role in developing the sector in which it operates.

SECTION 18. Dissolution of Acquired Asset Corporations. All executive agencies, offices, and instrumentalities shall take steps to dissolve any acquired asset corporation which has not been disposed of to the private sector within five (5) years from the date of the decision to dissolve the corporation. The chief executive officer of such corporation shall, within sixty (60) days from the lapse of the five-year period, submit to the proper authorities the legal instruments necessary for its dissolution in accordance with law, unless a specific exemption or extension is granted by the President.

The chief executive officer who, by fault or negligence, fails to submit such instruments as herein prescribed may be subject to applicable sanctions, under appropriate laws, together with such persons who participate in the same fault or negligence.

ARTICLE VI. EFFECTIVITY

SECTION 19. This Administrative Order shall take effect immediately upon approval.

Done in the City of Manila, this 16th day of February, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). [*Administrative Order Nos.: 1 - 150*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 60
AUTHORIZING THE MAKATI INSURANCE COMPANY, INC., TO BECOME A SURETY UPON
OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise or of any undertaking or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing solely of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds of undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, judge, officer, board or body, whether executive, legislative, or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, MAKATI INSURANCE COMPANY, INC., is a domestic corporation organized and existing under the laws of the Republic of the Philippines, and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the MAKATI INSURANCE COMPANY, INC., to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the conditions that the total amount of government bonds that it may issue shall not, at any time, exceed its admitted assets and that the contributed surplus fund shall not, at any time, be withdrawn and paid back in cash to the contributing stockholders without prior recommendation and justification by the Insurance Commissioner duly approved by the Secretary of Finance.

Done in the City of Manila, this 18th day of February, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 61

**AUTHORIZING THE PIONEER ASIA INSURANCE CORPORATION, TO BECOME A SURETY
UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizances, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise or of any undertaking or for doing or refraining from doing anything in such recognizances, stipulations, bonds or undertakings specified in, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds of undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative, or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, PIONEER ASIA INSURANCE CORPORATION, is a domestic corporation organized and existing under the laws of the Republic of the Philippines, and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the PIONEER ASIA INSURANCE CORPORATION, to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as provided by law, subject to the conditions that the total amount of government bonds that it may issue shall not, at any time, exceed its admitted assets and that the contributed surplus fund shall not, at any time, be withdrawn and paid back in cash to the contributing stockholders without prior recommendation and justification by the Insurance Commissioner duly approved by the Secretary of Finance.

Done in the City of Manila, this 19th day of February, in the year of Our Lord, nineteen hundred and eighty-eight

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 62
EXTENDING THE LIFE OF THE SPECIAL PRESIDENTIAL COMMITTEE ON
THE PHILIPPINE VETERANS BANK CREATED UNDER ADMINISTRATIVE ORDER NO. 29
DATED JULY 10, 1987.

WHEREAS, the aforementioned Committee needs additional time to study and work on how to rehabilitate the Philippine Veterans Bank;

WHEREAS, the action plan for the further study on how to rehabilitate the Bank shall include the following:

1. Establish the reasonable values of the Bank's assets and liabilities by hiring reputable auditors and appraisers;
2. Negotiate with creditors for the restructuring of the Bank's obligations and possible agreement for condonation of unpaid interests and charges;
3. Reorganize the Bank for operational efficiency and cost effectiveness;
4. Formulate new credit policies, lending and operational guidelines so as to insulate the Bank from errors in the past;
5. Identify and adopt new programs and businesses for enhanced financial returns;
6. Design a training, reorientation and development program for the Bank's human resource;
7. Establish a clean Balance Sheet for a New Philippine Veterans Bank as a fresh start.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby extend the life of the Special Presidential Committee for a period of four (4) months from the date hereof.

Done in the City of Manila, this 23rd day of February, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 63
AMENDING THE FIRST PARAGRAPH OF SECTION 3 OF ADMINISTRATIVE ORDER NO. 38,
DATED SEPTEMBER 30, 1987.

WHEREAS, in order to ensure enhanced productivity in government operations, it is necessary to expand the membership of the Government Productivity Improvement Program Council created under ADMINISTRATIVE ORDER NO. 38, dated September 30, 1987, by the inclusion of other vital government agencies; and

WHEREAS, the Department of Local Government (DLG) and the Department of Education, Culture and Sports (DECS) have a critical role in providing frontline services of the Government.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The first paragraph of Section 3 of ADMINISTRATIVE ORDER NO. 38, dated September 30, 1987, is hereby amended to read as follows:

“SECTION 3. The Government Productivity Improvement Program Council (GPIP Council). There is hereby created a Government Productivity Improvement Program Council (GPIP Council), hereafter referred to as the Council, which shall be the primary policy-making and overall coordinating body of the program. It shall be composed of the Secretary of the Budget and Management as Chairman, and the President of the Development Academy of the Philippines, the Secretaries of Trade and Industry, Agriculture, Public Works and Highways, Socio-Economic Planning, Local Government, and Education, Culture and Sports, the Chairman of the Civil Service Commission, the Undersecretary of the Presidential Management Staff, and the Director-General of the Philippine Information Agency, as members.”

SECTION 2. This Administrative order shall take effect immediately.

DONE in the City of Manila, this 21st day of March, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 64
APPROVING THE IDENTIFICATION OF AND TRANSFER TO THE NATIONAL
GOVERNMENT OF CERTAIN ASSETS AND LIABILITIES OF THE PHILIPPINE EXPORT
AND FOREIGN LOAN GUARANTEE CORPORATION AND THE NATIONAL
DEVELOPMENT COMPANY

WHEREAS, pursuant to Section 23 of Proclamation No. 50, the President of the Republic of the Philippines, acting through the Committee on Privatization, shall in an appropriate instrument identify and describe the assets of government institutions to be transferred to the National Government and the loan or other transactions giving rise to the receivables, obligations and other property constituting assets to be transferred;

WHEREAS, under the provisions of said Proclamation, more particularly Sec. 22 thereof, the terms of transfer of assets may include appropriate arrangements for the consideration thereof, including but not limited to the assumption by the National Government of such liabilities of government financial institutions and/or other government corporations whether real or contingent;

WHEREAS, in pursuance of said provision, the National Government, through the President of the Republic of the Philippines, is authorized to assume the obligations of government institutions including those due to the National Government on terms and to the extent determined by the President, on the recommendation of the Secretary of Finance, that may be warranted by the transfer of assets from such institutions pursuant to this Proclamation;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby approve the following:

- (a) The identification of and transfer to the National Government of certain assets of the Philippine Export and Foreign Loan Guarantee Corporation (Philguarantee) and the National Development Company (NDC) consisting of loans, equity investments, advances, acquired assets and other assets included in the list consisting of two pages hereto attached and made an integral part hereof as Annex "A".
- (b) The assumption by the National Government of certain liabilities of Philguarantee and NDC consisting of borrowings, other liabilities, and contingent guarantees, more particularly described in the list consisting of three pages hereto attached and made an integral part hereof as Annex "B". Funding arrangements for the liabilities shall be worked out by the National Government in coordination with Philguarantee and NDC.

It is understood that the listings in Annexes "A" and "B" hereof may be revised by the Committee on Privatization in consultation with Philguarantee and NDC if some errors in the listings are discovered.

The Secretary of Finance is hereby authorized to enter into, conclude and sign, for and in behalf of the National Government, such agreements, deeds, and any and all other documents as may be necessary to implement the transfer of assets and liabilities contemplated herein. The Bureau of the Treasury is hereby authorized and directed to take up in the Book of Accounts of the National

Government all transactions contemplated herein. The Department of Budget and Management is likewise hereby directed to issue the necessary authority to the Bureau of the Treasury in order for the National Government to acquire said assets and liabilities.

The transfer of accounts contemplated herein shall take effect as of the following dates:

- a. Philguarantee – December 31, 1986; and
- b. NDC – March 31, 1987.

Done in the City of Manila, Philippines, this 24th day of March, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

References: Annexes A and B

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 65

**AUTHORIZING THE CIBELES INSURANCE CORPORATION TO BECOME A SURETY UPON
OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that, whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise or of any undertaking or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing solely of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds of undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, judge, officer, board or body, whether executive, legislative, or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, CIBELES INSURANCE CORPORATION is a domestic corporation organized and existing under the laws of the Republic of the Philippines, and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the CIBELES INSURANCE CORPORATION to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as provided by law, subject to the conditions that the total amount of government bonds that it may issue shall not, at any time, exceed its admitted assets and that the contributed surplus fund shall not, at any time, be withdrawn and paid back in cash to the contributing stockholders without prior recommendation and justification by the Insurance Commissioner duly approved by the Secretary of Finance.

Done in the City of Manila, this 29th day of March, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 66

CREATING THE NATIONAL ORGANIZING COMMITTEE FOR THE APPROPRIATE
CELEBRATION OF THE UNITED NATIONS WORLD DECADE FOR CULTURAL
DEVELOPMENT, 1988-1997, AND THE HOLDING OF THE FIRST INTERNATIONAL
FESTIVAL AND CONFERENCE ON INDIGENOUS AND TRADITIONAL CULTURES
IN MANILA ON 20-25 OCTOBER 1988

WHEREAS, The General Assembly of the United Nations, through Resolution No. 41/187 adopted at its session of 8 December 1986, proclaimed the period 1988-1997 the World Decade for Cultural Development to be observed under the auspices of the United Nations and the United Nations Educational, Scientific, and Cultural Organization.

WHEREAS, The Philippines, fully subscribing to the objectives of the said Decade to wit, acknowledging the cultural dimension of development; affirming and enriching cultural identities; broadening participation in culture; and promoting international cultural cooperation, is a signatory to the aforementioned Resolution;

WHEREAS, the U.N. Conference on the Decade of Women held at Nairobi in July, 1988 responding to the initiative of the International League of Folk Arts for Communication and Education (FACE) passed a resolution of the Forward Looking Strategies for Women recommending to the United Nations General Assembly that a year in the Decade be dedicated to indigenous and traditional cultures to affirm the role of women in promoting cultural identity and development;

WHEREAS, the UNESCO/International Theater Institute (ITI) at its 20th Congress in Havana, Cuba in June 1987, approved the Philippine proposal to host the International Festival and Conference on Indigenous and Traditional Cultures in Manila in 1988 to usher in the United Nations proclaimed World Decade of Cultural Development, to observe the 40th anniversary of the International Theater Institute;

WHEREAS, it is now incumbent on the Philippine Government to undertake such preparations as are necessary to support the World Decade for Cultural Development and to promote full international, regional, and national participation in the said Festival and Conference, thus ensuring its success; and

WHEREAS, foremost among the preparations to be undertaken is the creation of a National Organizing Committee to direct, coordinate, and supervise Philippine participation in the World Decade for Cultural Development in general, and the Festival and Conference in particular;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby create the National Organizing Committee for the First International Festival and Conference on Indigenous and Traditional Cultures to usher in the World Decade for Cultural Development.

The Honorary Chairman of the Committee shall be the Secretary of Foreign Affairs of the Philippines. The Secretary of Education, Culture and Sports and the Secretary of Tourism, representing the government, and the Chairman of the People's Council for Culture, Education, Development and

International Understanding (PCCEDIU) and the Chairman of the Philippine Board of Advertising representing the private sector, as co-chairpersons. The other members of the Committee shall be:

1. Secretary, Department of Environment and Natural Resources
2. Secretary, Department of Local Government and Community Development
3. Secretary, Department of Trade and Industry
4. Secretary, Department of Budget and Management
5. Secretary, Department of National Defense
6. Press Secretary, Office of the President
7. Secretary, Department of Agriculture
8. Secretary, Public Works and Highways
9. Governor, Metro Manila Commission
10. President, University of the Philippines
11. Executive Director, Office of Muslim Affairs
12. President, Tribal Communities Association of the Philippines
13. Executive Director, Office of Northern Cultural Communities
14. Executive Director, Office of Southern Cultural Communities
15. Philippine Business for Social Progress

The Honorary Chairman, Co-Chairpersons and other members of the Committee may designate their respective permanent representatives in case of their inability to personally participate in the work of the Committee.

The Committee shall moreover establish a Secretariat to implement such policies and guidelines on the project as shall be formulated by the National Organizing Committee. The Secretariat shall be headed jointly by the Director General of UNIO and the FACE Chairperson with the Executive Secretaries of PCCEDIU and the TRICAP as Deputy Secretary Generals. The Secretariat of the Committee shall be sited at the Philippine International Convention Center in Manila.

The Committee is hereby also empowered to call upon all other agencies and institutions of the Philippine Government as well as private organizations and individuals concerned to assist the Committee in its tasks and to contribute such resources as are required to ensure the success of this undertaking.

The Department of Budget and Management is hereby directed to immediately earmark and release such funds as are necessary for the operations of the Committee and the Secretariat, sourced from and equally chargeable to the current approved budgets of the participating government agencies, subject to accounting and auditing requirements.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 30th day of March, in the Year of Our Lord, Nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 67

CLARIFYING THE AUTONOMOUS POWERS OF THE COMMISSIONERS OF INTERNAL REVENUE AND CUSTOMS UNDER LETTER OF INSTRUCTIONS NO. 204, DATED JULY 24, 1974, AND EXECUTIVE ORDER NO. 39, DATED AUGUST 6, 1986, AS REITERATED UNDER EXECUTIVE ORDER NO. 127, DATED JANUARY 30, 1987.

WHEREAS, Executive Order No. 127, dated January 30, 1987, reorganized the Ministry (now Department) of Finance;

WHEREAS, the Minister (now Secretary) of Finance has the power of supervision and control of the Ministry (now Department) of Finance under Section 6 of Executive Order No. 127;

WHEREAS, the Ministry (now Department) of Finance consists of the (a) Ministry (now Department) Proper, (b) Operations Groups and their constituent units and (c) Regional Offices under Section 7 of Executive Order No. 127;

WHEREAS, the Operations Groups include the Revenue Operations Group consisting of the (a) Bureau of Internal Revenue, (b) Bureau of Customs, (c) Revenue Service and (d) Legal Service under Section 12(a) of Executive Order No. 127;

WHEREAS, Section 28 of Executive Order No. 127 provides that "Letter of Instructions 204 which grants full authority to the Commissioner of Internal Revenue in matters of discipline and appointment of Internal Revenue Personnel shall remain in effect;"

WHEREAS, Letter of Instructions No. 204, dated July 24, 1974, authorized the Commissioner of Internal Revenue "to utilize the entire tax enforcement including of the Government in x x x preventing officials and employees of the Bureau of Internal Revenue from backsliding or from otherwise committing or engaging in acts inimical to the service and/or the New Society" and "enforcing complete and absolute discipline among bureau officials and employees with the full authority to promote, transfer, assign, suspend, dismiss or otherwise penalize, reinstate, and appoint bureau personnel," as well as to "apply upon any backsliding or erring official or employee of the Bureau the full force of the laws, including, if warranted, recommendation for their arrest or detention;"

WHEREAS, Section 33 of Executive Order No. 127 provides that "Executive Order No. 39 dated 6 August 1986 which grants autonomy to the Commissioner of Customs in matters of appointment and discipline of customs personnel shall remain in effect;

WHEREAS, Executive Order No. 39, dated August 6, 1986, authorized the Commissioner of Customs "(a) to appoint all Bureau personnel, except those appointed by the President; (b) to discipline, suspend, dismiss or otherwise penalize erring Bureau officers and employees; (c) to act on all matters pertaining to promotion, transfer, detail, reassignment, reinstatement, reemployment and other personnel action, involving officers and employees of the Bureau of Customs;"

WHEREAS, Section 79(C) of the Revised Administrative Code provides that "The Department Head shall have direct control, direction and supervision over all bureaus and offices under his jurisdiction and may, any provision of existing law to the contrary notwithstanding, repeal or modify the decisions of the chief of said bureau or offices when advisable in public interest;"

WHEREAS, Section 37 of Act No. 4007 provides that “The provisions of the existing law to the contrary notwithstanding, whenever a specific power, authority, duty, function, or activity is entrusted to a chief of bureau, office, division or service, the same shall be understood as also conferred upon the proper Department Head who shall have authority to act directly in pursuance thereof, or to review, modify, or revoke any decision or action of said chief of bureau, office, division or service;”

WHEREAS, Section 550 of the Revised Administrative Code provides that it shall be the “duty” of chiefs of bureaus or offices, “under the immediate executive control, direction, and supervision of the proper Department Head, to exercise general authority in all matters embraced within the jurisdiction of the bureau or relating to the operation thereof and to see to the enforcement of all laws and regulations pertaining to it;”

WHEREAS, well-settled jurisprudence affirms that the “power of control of department heads includes the authority to modify, nullify or set aside the acts of their subordinate officials, and to substitute the judgment or discretion of the former for that of the latter, as well as the right to act in lieu of the aforementioned subordinate officials” (Province of Pangasinan vs. Secretary of Public Works and Communications, L-27861, Oct. 31, 1969, 30 SCRA 134, 139, and cases cited);

WHEREAS, well-defined jurisprudence asserts that “The Department Head can even directly exercise the powers of the chief of the bureau or office under him pursuant to Section 37, Act 4007” (Sichangco vs. Board of Commissioners of Immigration, L-23545, Nov. 7, 1979, 94 SCRA 61, 68), including powers specifically granted by law to the bureau or office (Province of Pangasinan vs. Secretary of Public Works and Communications, *supra*);

WHEREAS, it is necessary to clarify the autonomous powers of the Commissioners of Internal Revenue and Customs under Letter of Instructions No. 204 and Executive Order No. 39 within the functional and structural organization of the Department of Finance under Executive Order No. 127; and

WHEREAS, “administrative acts and commands of the President touching on the organization or mode of operation of the Government x x x or governing the general performance of duties by public employees” shall be made effective in executive or administrative orders under Memorandum Order No. 1, dated January 7, 1958, as amended, governing general matters of procedure in the Office of the President (proper), in relation to Section 63 of the Revised Administrative Code;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order the Commissioners of Internal Revenue and Customs to exercise their powers under Letter of Instructions No. 204, dated July 24, 1974, and Executive Order No. 39, dated August 6, 1986, upon prior consultation with and prior clearance from the Secretary of Finance within the functional and structural organization prescribed under Executive Order No. 127, dated January 30, 1987.

The prerogative of the President on the appointment and discipline of Presidential appointees is hereby reserved for the Presidency.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 13th day of April, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 68

CREATING A MULTI-AGENCY PANEL TO CONDUCT NEGOTIATIONS WITH FOREIGN INVESTORS FOR THE EXPLORATION, DEVELOPMENT AND UTILIZATION OF MINERAL RESOURCES IN THE PHILIPPINES.

WHEREAS, Section 2 of Article XII of the 1987 Constitution provides that the President of the Philippines may enter into agreements with foreign-owned corporations involving either technical or financial assistance for large scale exploration, development and utilization of minerals according to the general terms and conditions provided for by law;

WHEREAS, under Section 4 of Executive Order No. 279, dated July 25, 1987, the Secretary of the Department of Environment and Natural resources is authorized to accept, consider and evaluate proposals from foreign-owned corporations or foreign investors for contracts or agreements involving either technical or financial assistance for large scale exploration, development and utilization of minerals which, upon appropriate recommendation of the Secretary of Environment and Natural Resources, the President may execute with the foreign proponent; and

WHEREAS, in order that the President of the Philippines may best implement and exercise the powers vested under the above constitutional and statutory provisions, it is imperative that a multi-agency panel be created to conduct negotiations with foreign investors for the exploration, development and utilization of minerals in the Philippines;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby create a multi-agency panel to conduct negotiations with foreign investors for the exploration, development and utilization of mineral resources in the Philippines, composed of the following:

- | | |
|---|-----------------|
| 1. The Secretary of Environment and Natural Resources or his representative | – Chairman |
| 2. The Secretary of Socio-Economic Planning and Director-General, National Economic and Development Authority or her representative | – Vice-Chairman |
| 3. The Secretary of Finance or his representative | – Member |
| 4. The Secretary of Trade and Industry or his representative | – Member |
| 5. The Governor, Central Bank of the Philippines or his representative | – Member |
| 6. The Chairman, Board of Investments or his representative | – Member |
| 7. The Director, Mines and Geo-Sciences Bureau | – Member |

There shall be provided a pool of legal and technical consultants to assist the multi-agency panel in the performance of its duties and functions.

The multi-agency panel shall from time to time render reports to the President of any negotiation undertaken pursuant to this Order.

DONE in the City of Manila, this 19th day of April, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 69

RELIEVING THE CHIEF OF STAFF OF THE ARMED FORCES OF THE PHILIPPINES OF HIS ADDITIONAL DUTIES AS BASE COMMANDER OF BOTH THE CLARK AIR BASE AND SUBIC NAVAL BASE PURSUANT TO LETTER OF INSTRUCTIONS NO. 815 DATED FEBRUARY 16, 1979 AND AUTHORIZING HIM TO RECOMMEND REPLACEMENTS THEREFOR.

I, CORAZON C. AQUINO, President of the Philippines, Commander-in-Chief of all the Armed Forces of the Philippines and in implementation of the Exchange of Notes on January 7, 1979 between the Governments of the Republic of the Philippines and the United States of America, do hereby order the relief of the Chief of Staff of the Armed Forces of the Philippines of his additional duties as Base Commander of both the Clark Air Base and the Subic Naval Base pursuant to Letter of Instructions No. 815 dated February 16, 1979 to take effect upon issuance of the respective designations of the Philippine Base Commander for Clark Air Base and Philippine Base Commander for Subic Naval Base.

Pursuant thereto, the Chief of Staff, Armed Forces of the Philippines is hereby directed to submit immediately to the Office of the President through the Department of National Defense all those qualified for designation by me as the Philippine Base Commander of Clark Air Base and as the Philippine Base Commander of Subic Naval Base.

Letter of Instructions No. 815 dated February 16, 1979 is hereby revoked upon designation by the President of the replacements of the Chief of Staff, Armed Forces of the Philippines, as Base Commander of each Base.

DONE in the City of Manila, this 20th day of April, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 70
CREATING A NATIONAL COMMITTEE TO TAKE CHARGE OF THE CELEBRATION
OF PHILIPPINE INDEPENDENCE DAY ON JUNE 12, 1988.

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Republic of the Philippines, do hereby create a National Committee, hereinafter referred to as the Committee, to take charge of the celebration of Philippine Independence Day on June 12, 1988.

The Committee shall be composed of the following:

HONORABLE LUIS T. SANTOS	– Chairman
Secretary of Local Government	
HONORABLE GUILLERMO N. CARAGUE	– Vice-Chairman
Secretary of Budget and Management	
HONORABLE MANUEL YAN	– Member
Undersecretary of Foreign Affairs	
HONORABLE DANTE BARBOSA	– Member
Undersecretary of Agriculture	
HONORABLE TEODORO ENCARNACION	– Member
Undersecretary of Public Works and Highways	
HONORABLE MINDA SUTARIA	– Member
Undersecretary of Education, Culture and Sports	
HONORABLE RICARDO CASTRO	– Member
Undersecretary of Labor and Employment	
HONORABLE LEONARDO QUISUMBING	– Member
Undersecretary of National Defense	
HONORABLE JESLI LAPUS	– Member
Undersecretary of Agrarian Reform	
HONORABLE WALFRIDO REYES	– Member
Undersecretary of Tourism	
HONORABLE MANUEL DOMINGO	– Member
Undersecretary of Transportation and Communications	
HONORABLE RAFAEL PEREZ DE TAGLE	– Member
Deputy Press Secretary	
HONORABLE JAMIL DIANALAN	– Member
Executive Director of the Office of Muslim Affairs	
HONORABLE MIGUEL PEREZ-RUBIO	– Member
Ambassador and Chief of Presidential Protocol	
HONORABLE LETICIA MOISES	– Member
Assistant Secretary of Social Welfare and Development	
HONORABLE ELFREN CRUZ	– Member
Governor of Metro-Manila	

HONORABLE GEMILIANO LOPEZ, JR. Mayor of Manila	– Member.
HONORABLE SERAFIN QUIASON, JR. Chairman of the National Historical Institute	– Member
HONORABLE JOSEPHINE C. REYES President of the Philippine Association of Colleges and Universities	– Member

The Committee shall meet at the call of the Chairman and for purposes of discharging its functions, it may create such sub-committees as may be necessary.

The Committee is hereby authorized to call upon any department, bureau, office or agency or instrumentality of the government including government-owned or controlled corporation, for such assistance as it may need in the discharge of its functions.

DONE in the City of Manila, this 21st day of April, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 71
CREATING A JOINT LEGISLATIVE-EXECUTIVE COMMITTEE ON DECENTRALIZATION
AND LOCAL AUTONOMY AND FOR OTHER PURPOSES

WHEREAS, decentralization and local autonomy are fundamental mandates embodied in the 1987 Constitution;

WHEREAS, there is an urgent need to conduct an inter-sectoral study of existing Philippine laws and issuances that diminish or negate decentralization and local autonomy of local government units;

WHEREAS, there is also the need to create a body to undertake the said inter-sectoral study;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There is hereby created a joint Legislative-Executive body to be known as the Decentralization and Local Autonomy Committee, hereinafter referred to as the Committee, to be composed of the following:

- | | |
|--|------------|
| 1) Secretary of Local Government | – Chairman |
| 2) Chairmen of the Local Government Committees of both Houses
of the Congress | – Members |
| 3) Minority representative of the House of Representatives | – Member |
| 4) Secretary of Finance | – Member |
| 5) Secretary of Budget and Management | – Member |
| 6) President of the Leagues of Provinces, Cities and Municipalities | – Member |
| 7) Secretary of Socio-Economic Planning | – Member |
| 8) The Chairman of the Technical Review Committee as hereinafter provided | – Member |

The Secretariat of the Committee shall be provided for by the Department of Local Government.
SECTION 2. The Committee shall have the following functions:

- a) Review the operational definition of local autonomy in the context of intergovernmental relations;
- b) Evolve a decentralization scheme with the aim in view of strengthening regional and local government administration for national development;
- c) Improve the anticipatory and responsive policy formulating capabilities of the National Government in general and the Department of Local Government in particular, in promoting the continuing development of local government units;
- d) Provide for policy and program direction for the implementation of such sectoral Technical Review Sub-Committees as herein established in the performance of their assigned tasks.

SECTION 3. To assist the Committee in the exercise of its functions, a Technical Review Committee is hereby created to be composed of technical representatives of the members of the Committee. The Technical Review Committee shall be assisted by the following technical Sub-Committees:

- a) Legislative Review
- b) Administrative Reforms Review
- c) Fiscal Reforms Review
- d) Function Allocation Review
- e) Human Resource Development Review

SECTION 4. Funding for the project for Calendar Year 1988 shall be taken from the Foreign-Assisted Projects Support Fund or appropriate lump-sum appropriations authorized under Republic Act No. 6642 as may be determined by the Department of Budget and Management. Thereafter, project requirements shall be provided for under the annual General Appropriations Act.

SECTION 5. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 25th day of April, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA**ADMINISTRATIVE ORDER NO. 72**
CREATING THE NATIONAL ORGANIZING COMMITTEE FOR THE INTERNATIONAL
CONFERENCE OF NEWLY RESTORED DEMOCRACIES (1973-1988) TO BE HELD
IN MANILA ON 3-6 JUNE 1988.

WHEREAS, after a series of Special Meetings at the Department of Foreign Affairs from February to March 1988, a decision was made to hold in Manila an International Conference of Newly Restored Democracies (1973-1988);

WHEREAS, pursuant to the decision, the Philippine Government will undertake the necessary preparations to ensure the success of the Conference, and as among the preparations to be made is the creation of a National Organizing Committee that shall be responsible for the physical arrangements in organizing the Conference;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby create the National Organizing Committee for the International Conference on Newly Restored Democracies (1973-1988), hereinafter known as the Committee.

The Committee shall be composed of the following:

Hon. Raul S. Manglapus Secretary of Foreign Affairs	– Chairman
Hon. Fidel V. Ramos Secretary of National Defense	– Vice-Chairman
Hon. Jose Antonio U. Gonzalez Secretary of Tourism	– Vice-Chairman
Hon. Guillermo N. Carague Secretary of Budget and Management	– Member
Hon. Teodoro C. Benigno Press Secretary	– Member
Ambassador Menandro P. Galenzoga Department of Foreign Affairs	– Member
Ambassador Luis Perdices Department of Foreign Affairs	– Member

The Committee shall meet at the call of the Chairman, and for purposes of discharging its functions, it may create such subcommittees as may be necessary.

The Committee is hereby authorized to call upon any department, bureau, office or agency or instrumentality of the government including government-owned or controlled corporation for such assistance as it may need in the discharge of its functions.

The Committee shall establish a Secretariat to service the National Organizing Committee which shall hold office at the Department of Foreign Affairs.

The Department of Budget and Management is hereby directed to immediately release the amount of EIGHT MILLION PESOS (₱8,000,000.00) for the financial and operational requirements of the

Committee and the Secretariat, chargeable against the funds of the Department of Foreign Affairs and subject to accounting and auditing requirements.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 29th day of April, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 73
CREATING A PHILIPPINE NATIONAL COMMISSION FOR PHILIPPINE PARTICIPATION
IN EXPOSITION/ACTIVITIES IN COMMEMORATING THE FIFTH CENTENNIAL OF THE
DISCOVERY OF AMERICA.

WHEREAS, the Spanish Government, attaching great significance to the Fifth Centennial of the Discovery of America, has decided to commemorate that occasion by holding, among other activities, a Universal Exposition in Sevilla, Spain, from 20 April to 12 October 1992, whose theme will be the “Age of Discovery”;

WHEREAS, the Spanish Government, desiring to use this occasion to promote closer integration among IberoAmerican countries, has invited the Philippines to participate in the Sevilla Exposition;

WHEREAS, the Philippines acknowledges the historic value of the IberoAmerican influence on its national heritage and in the formation of its concept of nationhood, making it one of the first democratic countries in Asia;

WHEREAS, the Philippines would like to participate in the eventual formation of an IberoAmerican Community of Nations that is firmly established on the foundations of liberty, justice and peace and dedicated to the creation of a quality of international life based on political and economic cooperation with other centers of powers;

WHEREAS, the Philippines has accepted the invitation of the Spanish Government to participate in the Universal Exposition in Sevilla; and

WHEREAS, the Philippines would like to ensure that the quality of its participation truly reflects the IberoAmerican influence in its culture, making it a proud member of that Community.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by the law, do hereby create the Philippine National Commission for Philippine Participation in Exposition/Activities in Commemoration of the Fifth Centennial of the Discovery of America, hereinafter known as the Commission. The Chairman of the Commission shall be the Secretary of Foreign Affairs with the Secretary of Education, Culture and Sports and the Secretary of Trade and Industry as Vice-Chairmen. The members of the Commission shall be:

1. Department of Tourism
2. National Economic and Development Authority
3. Department of Science and Technology
4. Department of Justice
5. National Museum
6. Cultural Center of the Philippines
7. Intramuros Administration
8. Representative from the Senate
9. Representative from Congress
10. Philippine Chamber of Commerce and Industry

11. Makati Business Club
12. Catholic Representative
13. Muslim Representative
14. Representative of Colleges and Universities
15. Real Academia de la Lengua
16. National Press Club
17. Movie/TV Industry
18. Ayala Museum
19. “Infanta Filipina” Foundation
20. Office of the President (proper)

The Commission shall perform the following functions:

1. To plan and implement programs and projects for the Philippine participation in the commemoration of the Fifth Centennial of the Discovery of America;
2. To coordinate and bring together all existing and future programs or projects related to the said Fifth Centennial celebration so that Philippine participation therein will be harmonized;
3. To set up and pursue programs that would enable the Philippines to better associate itself with the evolving IberoAmerican Community;
4. To represent the Philippines, through its officers or chosen delegates, at the IberoAmerican Conference of National Commissions for the Commemoration of the Fifth Centennial of the Discovery of America;
5. To establish linkages with the other national commissions, whether full member or observer of the abovementioned IberoAmerican Conference, and to appoint a liaison officer in Madrid to coordinate directly with the Permanent Secretariat of the Conference; and
6. To ask the assistance of any government office or agency whose services might be needed for the successful accomplishment of these functions.

The Commission shall establish a Secretariat to service the Philippine National Commission. The Secretariat shall be situated in the Department of Foreign Affairs.

The Chairman of the Commission shall establish a system of honoraria and allowances for the Philippine National Commission in accordance with accounting and auditing regulations.

The Department of Budget and Management is hereby directed to immediately allot and release the funds needed for the financial and operational requirements of the Commission and the Secretariat, chargeable to the funds of the Department of Foreign Affairs and subject to accounting and auditing requirements.

The Commission shall formulate and adopt its implementing rules and regulations.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 19th day of May, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 74
AMENDING ADMINISTRATIVE ORDER NO. 72 CREATING THE NATIONAL ORGANIZING
COMMITTEE FOR THE INTERNATIONAL CONFERENCE OF NEWLY RESTORED
DEMOCRACIES (1973-1988) TO BE HELD IN MANILA ON 3-6 JUNE 1988.

The first paragraph of Administrative Order No. 72 is hereby amended to include the following additional members:

Ambassador Romeo Arguelles	–	Member Department of Foreign Affairs (in lieu of Ambassador Luis Perdices)
Ambassador Ernesto C. Garrido	–	Member Department of Foreign Affairs.

Paragraph 4, page 2 of the Administrative Order is hereby amended to read:

The Department of Budget and Management is hereby directed to immediately release to the Department of Foreign Affairs the amount of Eight Million Pesos (₱8,000,000.00) for the financial and operational requirements of the Committee and the Secretariat, chargeable against the contingent fund or any lump-sum fund available for the purpose, subject to accounting and auditing requirements.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 31st day of May, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 75
CREATING THE PRESIDENTIAL TASK FORCE ON THE IMPROVEMENT OF THE
ADMINISTRATION OF JUSTICE.

WHEREAS, the attainment of justice is an essential component of a genuine democracy, as injustice breeds popular discontent;

WHEREAS, the need for fundamental and comprehensive reforms in the system of administration of justice has been long-felt; and

WHEREAS, the accomplishment of these fundamental and comprehensive reforms in the system of administration of justice shall further consolidate the democratic gains of the February 1986 Revolution.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

1. There is hereby created the Presidential Task Force on the Improvement of the Administration of Justice composed of the following:

- a) Chairman-Secretary of Justice
- b) Co-Chairman designated by the Chief Justice of the Supreme Court; and
- c) Members:
 - 1) Representative of the President of the Senate;
 - 2) Representative of the Speaker of the House of Representatives;
 - 3) Representative of the Secretary of Budget and Management;
 - 4) Representative of the Integrated Bar of the Philippines;
 - 5) Cabinet Secretary or his representative; and
 - 6) Chief, Research and Law Reform Division, UP Law Center.

2. The Task Force shall have the following objectives:

- a) To formulate short-term and medium-term plans to improve the system of administration of justice;
- b) To review, prioritize and adopt proposals on the improvement of the system of administration of justice as may be submitted to it by the technical panels to be created for the purpose;
- c) To recommend appropriate issuances for the consideration of the President, the Supreme Court or the Congress to implement such short-term and medium-term plans as may be necessary; and
- d) To identify mechanisms that will sustain the efficient and effective performance of the reformed system of administration of justice.

3. The Task Force shall observe the following guidelines:

- a) The Task Force is not a government office/agency/instrumentality, and the Chairman, Co-Chairman and Members thereof shall serve in ex-officio capacity; and
- b) The Task Force shall ensure that the work-plans and the recommendation that it shall draw up shall promote the following ends:
 - 1) a more democratic access to legal assistance services and the institutions of justice;
 - 2) innovative but feasible alternatives to litigation;
 - 3) promote understanding of the law toward popular empowerment; and
 - 4) provide for more expeditious conditions for the attainment of justice.

4. The UP Law Center is hereby designated as the Secretariat of the Task Force with the following functions:

- a) To oversee and monitor the activities of the technical panels and coordinate the meetings of the Task Force with the technical panels;
- b) To document the proceedings of meetings of the technical panels and the Task Force; and
- c) To provide technical assistance to the Task Force and the technical panels and such other support services as may be required by the technical panels and the Task Force.

5. The Task Force, with the assistance of the Secretariat, shall create technical panels to tackle specific areas of concern in the administration of justice. The panels shall be composed of recognized experts in the field and include, where relevant, representatives from non-government organizations (NGOs).

The technical panels shall have the following functions:

- a) Review the findings and recommendations of previous studies done on the subject matter, specifically those which are appropriate, relevant and feasible, given the identified problems and concerns in the administration of justice. They shall not conduct new studies, unless such a study concerns a subject where no previous inquiries have been undertaken;
- b) Conduct consultations with sectoral groups and relevant government agencies as may be necessary; and
- c) Submit to the Task Force, through the Secretariat, a Final Report that shall include, among others, action plans, draft memorandas, circulars, orders and legislations in their areas of assignment that shall address the concerns.

6. The Office of the President shall allocate Two Hundred Thousand Pesos (₱200,000.00) chargeable against its appropriations, subject to the usual accounting and auditing procedures, to support the activities of the Task Force.

7. The Task Force shall submit its recommendations to the President not later than 90 days from the date hereof.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 21st day of June, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 76
DISMISSING FROM THE SERVICE ALFREDO M. GARGOLES, ASSISTANT FISCAL, OFFICE OF
THE CITY FISCAL OF MANILA.

This refers to the administrative complaint filed by Maria Tuazon de la Cruz against Assistant Fiscal Alfredo M. Gargoles, Office of the City Fiscal of Manila, for (a) shouting defamatory and threatening remarks at her while under the influence of liquor; (b) acting as counsel for a private party and appearing in the fiscal's office and the court in Navotas during office hours; and (c) practicing his profession without permission from the Department of Justice.

A formal investigation of the complaint was ordered to be conducted by the Secretary of Justice. Notices were then sent to the parties. However, despite thereof, respondent fiscal failed to appear during the investigation. Hence, he was deemed to have waived his right to confront and cross-examine the complainant and her witnesses. The complainant thus presented her evidence ex parte.

After the formal investigation was terminated, the Secretary of Justice, in his Memorandum of April 18, 1988, recommended the dismissal of respondent from the service. In support of his recommendation, he stated that:

“After a careful and judicious evaluation of the evidence, we find the allegations of the complainant and her witnesses to be more credible.

“Complainant's version of the April 18, 1987 incident when Fiscal Gargoles, who was drunk, confronted complainant is more convincing as against Fiscal Gargoles' defense that the incident is a mere fabrication. In her narration of the incident as it occurred, complainant stated that Fiscal Gargoles had to inquire and ascertain first if she was 'Aling Maring' and upon her reply that she was the one, Fiscal Gargoles then proceeded with his tirade in the manner hereinafter quoted. Unwittingly, Fiscal Gargoles corroborated complainant's averment with respect to her identity when he stated in his Reply Affidavit that he does not know the complainant personally thus the need to inquire and ascertain complainant's identity. The manner by which Fiscal Gargoles conducted himself particularly where he brandished unabashedly the fact that he is the Fiscal of Manila and that he is handling the case of Leticia Doria to impress upon complainant his power and authority (being the Fiscal of Manila), constitutes grave misconduct. Fiscal Gargoles did not only disgrace himself but in the process inflicted perdition upon his fellow fiscals. Under Civil Service Rules and Regulations, grave misconduct is a grave offense (CSC MG No. 8, June 26, 1970).

“Fiscal Gargoles and his witnesses, former clients of his, admitted to the fact that he had been attending to his clients' cases by appearing in the fiscal's office and the court in Navotas during office hours. Certifications were issued to the effect that on April 21, May 7 and May 28, 1987, Fiscal Gargoles had not filed any Leave of Absence and that on those dates, he received his salary. Considering that it is a requisite for the payment of the salary that a fiscal must

file a certification upon his honor that he has rendered service for the salary period covered for which the salary is being claimed, the fact that he received his salary for those dates when he was not attending to his official duties without filing a leave of absence corresponding to the said dates indubitably implies that Fiscal Gargoles did not truthfully state the extent of the service he had rendered for the government in the accomplishment of the required certification. In this regard we find Fiscal Gargoles guilty of dishonesty, a grave offense under Civil Service Rules.

“Finally, our records do not show that Fiscal Gargoles had requested permission for him to handle his clients’ cases as required by Section 12, Rule XVIII of the Revised Civil Service Rules, which provides:

‘Sec. 12. – No officer or employee shall engage directly in any private business, vocation, or profession without a written permission from the head of Department. xxx.’

“Under the Rules, this infraction is classified as a light offense.”

After a careful review of the case, I agree with, and adopt the findings and recommendation of, the Secretary of Justice, supported as they are by the evidence on record.

WHEREFORE, and upon recommendation of the Secretary of Justice, respondent Assistant Fiscal Alfredo M. Gargoles of the Office of the City Fiscal, City of Manila, is hereby dismissed from the service, effective upon receipt of a copy hereof.

Done in the City of Manila, Philippines, this 27th day of June, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 77
SUSPENDING DONATO T. JIMENEZ, ASSISTANT FISCAL OF ILAGAN, ISABELA.

This is an administrative case for immorality against Donato T. Jimenez, Assistant Fiscal of Ilagan, Isabela.

In her letter-complaint of April 28, 1985, Ruth P. Macarubbo charged respondent fiscal with immorality, alleging that: a) in 1982, while she was employed as private secretary of respondent, then a private practitioner, she was asked to accompany him to several places; b) during these trips, respondent succeeded in having carnal relations with her and, thereafter, she “occasionally cohabited with him at our house at Gosi, Tuguegarao, Cagayan from then on and up to February 14, 1985 when the promise to share me one half of his earnings was only partially fulfilled;” and c) “as a result of this illicit relationship we begot a son named Rudon Macarubbo Jimenez on February 2, 1984.”

To substantiate her claim, complainant presented two letters from respondent which the latter sent to her while he was in the United States.

In his answer of June 27, 1985, respondent denied complainant’s allegations and endeavoured to show that Macarubbo was a woman of ill-repute. While he admitted to having sent the two letters and the sum of money indicated therein, respondent claimed that the same “was given because of humanitarian consideration when Ms. Macarubbo pleaded and begged to send money because she was in financial distress and in bad need of money.”

After due investigation, the provincial fiscal of Isabela recommended that the case against respondent be dismissed and considered closed.

Upon review, however, the Secretary of Justice found that, although the imputed immoral acts commenced when respondent was still a law practitioner, “his letter dated September 6 and October 9, 1984 suggests quite plaintively that he still felt some degree of affection for complainant.” Consequently, in his memorandum to the President, dated February 1, 1988, the Justice Secretary recommended that respondent be suspended for thirty (30) days, stating that:

“... there exists a dire necessity for a high and unswerving sense of morality that should pervade public office especially where the thrust of this government is to infuse high moral and ethical standards in the public service. Any cloud of suspicion on the moral and professional integrity of a public officer must be dispelled. Although in cases of this nature, direct evidence to substantiate the charge, is as a general rule, wanting, we cannot however disabuse ourself of the suspicion that respondent’s illicit relation with the complainant subsisted even after his appointment to public office.”

I agree with the Secretary of Justice. As public office is a public trust, all government officials and employees, whether high or low, should at all times, be morally upright. It cannot be overemphasized that, if only to infuse high moral and ethical standards in the public service, every public official should

be imbued with a high sense of morality consistent with the responsibilities called for by his position and fairly reflective of the trust reposed in him by the public. Any pall of doubt on his moral and professional integrity should be eschewed outright.

WHEREFORE, and as recommended by the Secretary of Justice, Donato T. Jimenez, Assistant Fiscal of Ilagan, Isabela, is hereby suspended from office for thirty (30) days, effective upon receipt of a copy of this Order.

Done in the City of Manila, this 11th day of July, in the year of Our Lord, nineteen eighty-eight.

(Sgd.) **CORAZON C. AQUINO**

By the President:

(Sgd.) **CATALINO MACARAIG, JR.**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 78
IMPOSING A FINE ON FORMER REGISTER OF DEEDS RAMON G. GARCIA OF ORIENTAL
MINDORO.

This is an administrative case for negligence against Ramon G. Garcia, former Register of Deeds of Oriental Mindoro.

The records show that, upon investigation of a complaint filed on June 6, 1984, by one Jose Agutaya with the National Bureau of Investigation (NBI), Calapan Branch Office, Oriental Mindoro, regarding alleged falsification of official documents which resulted in the irregular transfer of ownership of certain parcels of land owned by Felisa Pangilinan to Nelia M. Bunda, the NBI came up with the following findings:

- 1) Felisa Pangilinan, executed a deed of sale of two (2) parcels of land covered by TCT RT-87 (T-1312) and TCT RT-86 (T-1228) in favor of Nelia Bunda on December 1, 1982. The deed of sale was made to appear to have been executed on December 1, 1980, which was noted in the Primary Entry Book to justify the issuance of TCT No. T-14283 and T-14284 both dated July 15, 1981;
- 2) Menandro Abac, Clerk II of said Registry of Deeds may have caused the falsification as he is the one charged with the preparation and safekeeping of the document;
- 3) Nelia Bunda is liable under Art. 171 of the Revised Penal Code for selling the falsified title to one Leon Yap;
- 4) Ramon G. Garcia, then Acting Register of Deeds of Calapan, Oriental Mindoro is “liable for Falsification of Public Documents through Reckless Imprudence” for causing the registration of the transfer of ownership of parcels of land despite the fact that:
 - a) there was no certification of the BIR that such transfer has been reported and the capital gains tax therefor had been paid, as required by LRC Circular No. 356, dated September 12, 1979, implementing Sec. 34(h) of the National Internal Revenue Code as amended;
 - b) the Title No. T-14283 was entered on July 15, 1981 when the Deed of Sale effecting the transfer was dated December 1, 1982.

On the basis thereof, the then Land Registration Commissioner filed formal charges against herein respondent Ramon G. Garcia and Registry of Deeds Clerk Menandro Abac for negligence and grave misconduct/dishonesty, respectively.

After formal hearing, the LRC investigator recommended that respondent be found guilty of the charges and suspended for two months without pay. Meanwhile, or on April 3, 1987, Garcia retired from the government service.

In his letter to the Secretary of Justice, dated November 9, 1987, the Administrator, National Land Titles and Deeds Registration Administration (NLTDRA, formerly LRC), agreed with the findings of the LRC investigator. However, considering that respondent had been compulsory retired from the service, the NLTDRA Administrator recommended that a penalty of fine equivalent to his two (2) months salary be imposed on respondent.

After review, the Secretary of Justice found respondent guilty of gross neglect of duty, instead of simple negligence, and recommended that he be fined in an amount equivalent to his six (6) months' salary. According to the Justice Secretary:

“It is clear that respondent signed the Bunda titles without first examining their dates. Had he done so he would have noticed that he would be signing titles based on a deed of sale which is dated 17 months later. It is also clear that respondent violated LRC Circular No. 356, series of 1979. By his own admission, he did not see the certificate evidencing payment of the capital gains tax on the properties being transferred to Bunda.

“As Registry head, respondent is charged with the enforcement of office rules and regulations that would ensure the correctness and integrity of his official acts. He cannot shed said responsibility and expect to be absolved if a breach occurs. By relying blindly on the examination performed by Clerk Abac and on the naked assurance of said subordinate that the capital gains tax on the Bunda properties will be paid, respondent must be deemed to have abandoned his supervisory duties and perforce, held responsible for all its dire consequences.”

I concur in the Justice Secretary's findings and recommendation. As an officer entrusted with responsibility decidedly impressed with public interest, respondent Garcia should have been more circumspect in the performance of his official duties. His dismal failure to observe utmost care in the preparation and issuance of land titles is, to say the least, unpardonable, affecting as it does the integrity of said official documents. For such gross neglect of duty, respondent deserves to be meted out the condign penalty.

While it is true that respondent had already retired from the government service, this circumstance does not render the instant case moot and academic as to preclude the imposition upon him of the penalty of fine. As held in the case of *People vs. Valenzuela* (L-63950-60, April 19, 1985, 135 SCRA 712), citing *Perez vs. Abiera* (Adm. Case No. 223-4, June 11, 1975, 64 SCRA 302):

“... [I]t was not the intent of the court in the case of *Quintillan* to set down a hard and fast rule that the resignation or retirement of a respondent judge as the case may be renders moot and academic the administrative case pending against him; nor did the Court mean to divest itself of jurisdiction to impose certain penalties short of dismissal from the government service should there be a finding of guilt on the basis of the evidence. In other words, the jurisdiction that was Ours at the time of the filing of the administrative complaint was not lost by the mere fact that the respondent public official had ceased to be in the office during the pendency of his case. The Court retains its jurisdiction either to pronounce the respondent official innocent of the charges or declare him guilty thereof. A contrary rule would be fraught with injustices and pregnant with dreadful and dangerous implications. For what remedy would the people have

against a judge or any other public official who resorts to wrongful and illegal conduct during his last days in office? What would prevent some corrupt and unscrupulous magistrate from committing abuses and other condemnable acts knowing fully well that he would soon be beyond the pale of the law and immune to all administrative penalties? If only for reasons of public policy, this Court must assert and maintain its jurisdiction over members of the judiciary and other officials under its supervision and control for acts performed in office which are inimical to the service and prejudicial to the interests of litigants and the general public. If innocent, respondent official merits vindication of his name and integrity as he leaves the government which he served well and faithfully; if guilty, he deserves to receive the corresponding censure and penalty proper and imposable under the situation.” (Emphasis added).

WHEREFORE, and as recommended by the Secretary of Justice, former Register of Deeds Ramon G. Garcia of Oriental Mindoro is hereby FINED in an amount equivalent to his six (6) months’ salary.

Done in the City of Manila, this 11th day of July, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 79

TRANSFERRING THE MALIGAYA RICE RESEARCH AND TRAINING CENTER AND THE
MINDANAO EXPERIMENT STATION TO THE PHILIPPINE RICE RESEARCH INSTITUTE

WHEREAS, Executive Order No. 1061, dated November 5, 1985, as amended by Executive Order No. 60, dated November 7, 1986, created the Philippine Rice Research Institute to “develop x x x a national rice research program so as to sustain and further improve the gains already made in rice production, improve the income and economic condition of small rice farmers, expand employment opportunities in the rural areas, and ultimately promote the general welfare of the people through self-sufficiency in rice production”;

WHEREAS, the Philippine Rice Research Institute is a body corporate attached to the Department of Agriculture under Section 19 of Executive Order No. 116, dated January 30, 1987, to serve as the national research, coordinating and funding agency for rice and rice-based research and development programs;

WHEREAS, it is the policy of the Government to unify the efforts of various agencies and institutions working on rice research and development to generate an in-depth approach to the present and future problems on rice in the country; and

WHEREAS, Section 27 of Executive Order No. 116, which reorganized the Department of Agriculture, authorizes changes therein to promote efficiency and effectiveness in the delivery of public services, subject to the prior approval of the President.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order the transfer of the Maligaya Rice Research and Training Center in Muñoz, Nueva Ecija, and the Mindanao Experiment Station in Midsayap, North Cotabato, together with the existing plantilla positions, operational funds and the income derived from the rice seed production of the said stations, to the Philippine Rice Research Institute to serve as the umbrella organization overseeing all aspects of rice research and development in the country.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 12th day of July, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 80
CREATING A NATIONAL COUNCIL FOR THE PHILIPPINE FIESTA YEAR 1989

WHEREAS, Presidential Proclamation No. 245 dated April 12, 1988, declares 1989 as the Philippine Fiesta Year;

WHEREAS, to achieve effectively the goals set forth in the said Proclamation there is need to have a concerted effort from both the government and private sectors;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby create:

A National Council to provide guidance, support and assistance in the implementation of the objectives of the Fiesta Year to be composed of the following:

Secretary, Department of Tourism	– Chairman
Executive Director, Philippine Convention and Visitors Corporation	– Vice-Chairman
Secretary, Department of Public Works and Highways	– Member
Secretary, Department of Transportation and Communications	– Member
Director-General, National Economic and Development Authority	– Member
Secretary, Department of Budget and Management	– Member
Chairman, Committee on Tourism Senate of the Philippines	– Member
Chairman, Committee on Tourism House of Representatives	– Member
City Mayor, Manila	– Member
City Mayor, Pasay City	– Member
City Mayor, Quezon City	– Member
President, Cultural Center of the Philippines	– Member
President, Philippine Airlines	– Member
Chairman, Philippine Amusements and Gaming Corporation	– Member
Mayor, Makati	– Member
President, Tourism Council of the Philippines	– Member
President, Philippine Chamber of Commerce	– Member
Secretary General, National Secretariat	– Member

The National Council is hereby empowered to call upon any Department, agency, office or instrumentality of the government, including government-owned or controlled corporations for cooperation and assistance in the pursuit of the objectives of Proclamation No. 245, s. 1988.

The National Council is authorized to accept donations, grants, contributions and any other form of assistance, financial and otherwise, from any governmental or private individual, firm or entity, whether local or foreign, to achieve its goals and objectives, in accordance with applicable budget laws and accounting and auditing laws, rules and regulations. The proceeds from such donations, grants, contributions and other forms of financial assistance received by the National Council shall be deposited, recorded and disbursed in accordance with applicable budget laws and accounting and auditing laws, rules and regulations.

The implementing agency of the National Council shall be the Philippine Convention & Visitors Corporation (PCVC) which will ensure that the National Secretariat will plan, coordinate and supervise the implementation of the program. The pertinent budget needed for the financial and operational requirements of this project shall be primarily taken out of the approved budget of the PCVC for calendar years 1988-89.

The National Council is hereby empowered to establish a system of honoraria or allowances for its members in accordance with applicable budget laws and accounting and auditing laws, rules and regulations.

The National Council shall formulate and adopt its implementing rules and regulations.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 29th day of July, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 81
CREATING THE PRESIDENTIAL TASK FORCE ON THE PHILIPPINE AID PLAN

WHEREAS, there is a need to mobilize the international community's support for economic recovery and sustained growth consistent with the framework of the updated Medium Term Philippine Development Plan, 1988-1992;

WHEREAS, it is to the best interest of the Government to take the lead role in coordinating efforts to effectively mobilize the aid and to ensure its successful implementation;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Creation of a Presidential Task Force on the Philippine Aid Plan. There is hereby created a Presidential Task Force on Philippine Aid Plan hereinafter referred to as the Task Force, to be composed of the following:

- | | |
|-----------|--|
| Chairman | – Executive Secretary |
| Members | – Secretary of Foreign Affairs |
| | – Secretary of Agriculture |
| | – Secretary of Finance |
| | – Secretary of Trade and Industry |
| | – Secretary of Socio-Economic Planning |
| | – Secretary of Budget and Management |
| | – The Press Secretary |
| | – Cabinet Secretary |
| | – Presidential Adviser on Public Resource Utilization |
| | – Governor of the Central Bank |
| | – Representative of the Senate to be designated by the Senate President |
| | – Representative of the House of Representatives to be designated by the Speaker |
| | – Four Representatives from the Private Sector to be appointed by the President |
| Secretary | – Cabinet Undersecretary |

The Task Force is authorized to invite any individual or representative of non-government organizations, agriculture and industrial labor groups, and such other related associations to serve as Resource Person. It is likewise authorized to call on any government agency, corporation or instrumentality for appropriate assistance.

SECTION 2. Powers and Functions of the Task Force – The Task Force shall:

- a. Serve as clearing house for all government positions and statements on the aid plan;
- b. Formulate and recommend the guiding principles that will govern the aid offer;

- c. Review and evaluate various options on the mobilization and utilization of the proposed aid upon due consultations with concerned sectors with the end in view of maximizing the benefits to be derived from such an offer;
- d. As far as practicable conduct public hearings and consult line agencies/regional development councils/private sector to obtain necessary information/reactions from various sectors of the economy regarding the aid offer;
- e. Develop the structures and the mechanisms to ensure that projects to be funded out of the Plan are implemented efficiently;
- f. Provide technical assistance to the Preparatory Committee and other international bodies that may be created; and
- g. Perform such other functions as may be directed by the President.

SECTION 3. Technical Committee of the Task Force. – A Technical Committee composed of senior officials or representatives designated by the members of the Task Force is hereby created. Its principal functions include the preparation of technical reports for consideration of the Task Force and the review of proposals submitted for the approval of the Task Force.

SECTION 4. Secretariat Services. – Technical secretariat support to the Task Force and its Technical Committee shall be provided by the National Economic and Development Authority Secretariat while conference and other liaison activities shall be provided by the Office of the President (Cabinet Secretariat).

SECTION 5. Funding. – The Department of Budget and Management is hereby directed to immediately release the funds needed for the financial and operational requirements of the Task Force, chargeable against the funds of the Office of the President and subject to the usual accounting and auditing procedures.

SECTION 6. Effectivity. – This Administrative Order shall take effect immediately

DONE in the City of Manila, this 2nd day of August, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 82
CREATING THE JOINT EXECUTIVE-LEGISLATIVE COMMITTEE TO UNDERTAKE STUDIES
ON THE ALTERNATIVE USES OF U.S. MILITARY FACILITIES IN PHILIPPINE BASES

WHEREAS, Section 25, Article XVIII, of the 1987 Constitution provides, that: “After the expiration in 1991 of the Agreement between the Republic of the Philippines and the United States of America concerning Military Bases, foreign military bases, troops, or facilities shall not be allowed in the Philippines except under a treaty duly concurred in by the Senate and, when the Congress so requires, ratified by a majority of the votes cast by the people in a national referendum held for that purpose, and recognized as a treaty by the other contracting State”;

WHEREAS, there is a need to conduct in-depth studies on the alternative uses of the bases including concrete plans and programs of implementation to enable the Philippine Government to respond immediately in the event a new treaty on military bases is not entered into;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There is hereby created a Joint Executive-Legislative Committee, hereinafter referred to as the Committee, to be composed of:

Secretary of Foreign Affairs	– Chairman
Secretary of Finance	– Member
Secretary of Agriculture	– Member
Secretary of Labor and Employment	– Member
Secretary of National Defense	– Member
Secretary of Trade and Industry	– Member
Secretary of Socio-Economic Planning	– Member
Executive Secretary	– Member
Chairman, Senate Committee on Foreign Relations	– Member
Chairman, House Committee on Foreign Affairs	– Member
Chairman, Senate Committee on Economic Affairs	– Member
Chairman, House Committee on Economic Affairs	– Member
Chairman, Senate Committee on National Defense	– Member
Chairman, House Committee on National Defense	– Member

SECTION 2. The Committee shall exercise the following functions and duties:

- a. To undertake in-depth studies, detailed plans and concrete programs on the alternative uses of U.S. military facilities in Philippine bases;
- b. To request assistance from other government offices and agencies as may be needed to conduct and complete the work of the Committee;
- c. To submit regular reports to the President and the Congress of the Philippines on the recommendations of the Committee; and

- d. To perform such other functions and duties as may be necessary to meet the objectives of the Committee.

SECTION 3. The Committee shall have a Secretariat which shall be located in the Department of Foreign Affairs. The Secretariat shall provide staff support to the Committee.

SECTION 4. The amount of ONE HUNDRED THOUSAND (₱100,000.00) PESOS, or so much thereof as may be necessary, is hereby authorized to be released from the Compensation and Organizational Adjustment Fund in the 1988 General Appropriations Act or from such other applicable lump-sum appropriations as may be determined by the Department of Budget and Management for the operational requirements of the Joint Executive-Legislative Committee.

SECTION 5. The Committee shall complete its work on or before 30 November 1988, and shall wind up its affairs and shall cease to function on or before 31 December 1988.

SECTION 6. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 8th day of August, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 83
CREATING A TASK FORCE FOR METRO MANILA GREENING PROJECT.

WHEREAS, industrialization and urbanization of various areas like those in Metro Manila and its environs have resulted in the alteration of life forms, climatic changes, natural cycles and ecosystems;

WHEREAS, as a consequence thereof, there is an urgent need to enforce a program to protect the Metropolitan Manila area and the inhabitants from environmental alterations to ensure proper dispersion of population and industries, pollution control, prevention of farmland encroachment, conservation of nature and the improvement of the living conditions of the people in the Metro Manila; and

WHEREAS, some of these policy measures, which will effectively address the problem, are on-site landscape development and maintenance, solid waste utilization program and greening of selected open spaces, public parks and historic districts in Metro Manila;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby create a “Task Force for Metro Manila Greening Project” composed of the following:

Secretary, Department of Environment and Natural Resources	–	Chairman
Governor of Metro Manila Commission	–	Co-Chairman
All City/Municipal Engineers of Metro Manila	–	Members
Representatives from the Department of Public Highways	–	Members
Representative from Manila Seedling Bank Foundation	–	Member

The Task Force shall have the following functions:

1. Prepare and formulate a comprehensive and integrated plan for greening of Metro Manila utilizing essentially available resources and manpower in Metro Manila;
2. Cause the implementation of the program and plans geared towards enhancing environmental quality of Metro Manila through landscaping development and management;
3. Initiate in securing local and foreign contributions for the greening program of Metro Manila;
4. Enlist and obtain assistance of any and all agencies and instrumentalities of the government in the successful accomplishment of the program; and
5. Perform such other related functions as may be necessary to carry out the purpose of this Order.

Done in the City of Manila, this 11th day of AUGUST, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 84
CREATING A PRESIDENTIAL TASK FORCE ON SCIENCE AND TECHNOLOGY
DEVELOPMENT

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There is hereby created the Presidential Task Force on Science and Technology, hereinafter referred to as the Task Force, to be composed of the following:

Chairman	–	Secretary, Department of Science and Technology
Vice-Chairmen	–	(1) Representative of the Private Sector
		(2) Representative of the Academe
Members	–	Secretary, Department of Agriculture
		Secretary, Department of Trade and Industry
		Secretary, Department of Transportation and Communications
		Presidential Adviser on Public Resources Utilization
		Two Representatives of the Private Sector
		Two Representatives of the Academe

SECTION 2. The Task Force shall assist the Department of Science and Technology in the fulfillment of the latter's mandate and in the discharge of the latter's powers and functions.

The Task Force is hereby authorized to call upon any Department, Bureau, Office, Agency or Instrumentality of the Government, including Government-owned or controlled corporations, in the discharge of its functions.

SECTION 3. The Task Force shall ensure that the work plans and the recommendations that it shall formulate shall promote the following ends:

- 1) ready access to S&T development and technical services and other forms of support with agencies of science;
- 2) a wide understanding and acceptance of S&T in contributing to socio-economic gains;
- 3) development of a more effective mechanism of transfer of technologies to workers and users.

SECTION 4. The Task Force shall create such number of technical panels as may be necessary to tackle specific areas of concern in the development of science and technology. The panels shall be composed of experts in the field, and include representatives from the government, the private sector, the academe, and where relevant, representatives from non-government organizations.

SECTION 5. The Task Force shall establish a Secretariat composed of personnel to be drawn primarily from the Department of Science and Technology and to be based thereat. It shall perform the following functions:

- a. Monitor the activities of the technical panels and coordinate the meetings of the Task Force with the technical panels;
- b. Document the proceedings of the meetings of the technical panels and the Task Force; and
- c. Provide technical assistance and such other support services as may be required by the Task Force and technical panels.

SECTION 6. The Department of Budget and Management is hereby directed to release immediately the amount of FIVE HUNDRED THOUSAND PESOS (₱500,000.00) for the financial and operational requirements of the Task Force, chargeable against the funds of the Office of the President and subject to the usual accounting and auditing procedures.

SECTION 7. The Task Force shall organize itself within thirty days and shall submit its recommendations to the President not later than ninety days thereafter.

SECTION 8. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 11th day of August, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 85
DISMISSING GREGORIO B. MARAYA, JR., AS REGISTER OF DEEDS OF MAASIN,
SOUTHERN LEYTE.

This is an administrative case for grave misconduct filed by the then Acting Land Registration Commissioner against Gregorio Maraya, Jr., Register of Deeds, Maasin, Southern Leyte.

The case was the offshoot of a letter-report to the then Deputy Minister of Justice of respondent Register of Deeds, dated September 24, 1979, recommending the filing of administrative charges against his Deputy Register of Deeds, Cipriano Espina, Jr., in connection with the alleged shortage in his (Espina's) collection.

Acting on said report, the Deputy Justice Minister requested the Provincial Auditor to audit the Office of the Register of Deeds, Maasin, Southern Leyte.

Maraya refused to present himself for the inventory, despite directives from the Ministry of Justice. Consequently, only the safe and receptacles of the Deputy Register of Deeds were opened and inventoried. The examination of the Books of Registry disclosed that, for the period covering November 1, 1978 to January 1980, the Registry of Deeds had a total accountability of ₱72,516.78.

On July 23, 1980, an administrative charge for grave misconduct in connection with the above incurred shortage was filed against Maraya. The corresponding charge for malversation of public funds was filed with the Tanodbayan.

Required to answer said administrative charge, Maraya assailed the validity of the Auditor's report, alleging that only the Registry Cash Book, and not his cash accountability, was examined by the audit team. He further alleged that, of the total amount of ₱72,516.78, ₱16,879.53 were actually the collections of Deputy Register of Deeds Espina.

Maraya did not appear for four consecutive scheduled hearings and, on the hearing of November 25, 1981, he presented Mr. Eugenio Paloma of the Provincial Auditor's Office and Mrs. Eloisa Esma, a binding helper in the Office of the Register of Deeds. Paloma confirmed that the amount of ₱16,789.53 were the collections of Deputy Register of Deeds Espina, while Mrs. Esma testified that she did not hear the audit team demand that respondent produce his registry collections.

Maraya did not appear during the subsequent hearings.

In his report, dated December 21, 1982, the investigator recommended that Maraya be found guilty of grave misconduct and the penalty of dismissal from the service be imposed upon him.

The Acting Land Registration Commissioner favorably indorsed the above findings and recommendation to the Minister of Justice in his letter of March 15, 1983.

The then Minister of Justice concurred in the foregoing recommendation, particularly noting that the failure of the Auditor to conduct an actual audit examination was due to Maraya's "continuous and unwarranted refusal to submit himself to such an examination despite the series of directives." He further observed that, although the amount of ₱16,879.53 was under the accountability of the Deputy Register (who is facing a separate administrative charge), Maraya, as Register of Deeds, is primarily liable and accountable for collections in his registry.

Accordingly, in his letter of May 30, 1983, the then Minister of Justice recommended “that respondent Gregorio Maraya, Jr. be found guilty of grave misconduct and that he be dismissed from the service therefor.”

In a 4th indorsement, dated July 30, 1986, the then Minister (now Secretary) of Justice reiterated the foregoing recommendation.

After a careful review, I agree with the then Minister (now Secretary) of Justice that respondent is guilty of grave misconduct and deserves to be dismissed from the service.

WHEREFORE, and as recommended by the then Minister (now Secretary) of Justice, Mr. Gregorio B. Maraya, Jr., is hereby DISMISSED from the service as Register of Deeds of Maasin, Southern Leyte, effective upon receipt of a copy of this Order.

Done in the City of Manila, this 22nd day of August, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 86
PROVIDING FOR ONE SERVICE UNIT IN THE OFFICE OF THE ASSISTANT SECRETARY FOR
ADMINISTRATIVE AND LEGAL AFFAIRS IN THE DEPARTMENT OF TRANSPORTATION
AND COMMUNICATIONS, AND DEFINING THE FUNCTIONS THEREOF

WHEREAS, there is a need to institute the necessary controls in the various operations of government to pursue the principle of accountability;

WHEREAS, the property and supply activities of the various units of the Department of Transportation and Communications have reached a level that requires management by a higher level organizational unit;

WHEREAS, there is a need to upgrade the Procurement and Property Management Division in the Administrative Service, Office of the Assistant Secretary for Administrative and Legal Affairs, into a service level unit in order to effectively check, if not eliminate, unnecessary disbursement of department funds; and

WHEREAS, Section 21 of Executive Order No. 125, as amended, reorganizing the Department of Transportation and Communications, authorizes changes in the organizational structure and staffing pattern therein prescribed to promote efficiency, subject to the prior approval of the President;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. The existing Procurement and Property Management Division in the Administrative Service, Office of the Assistant Secretary for Administrative and Legal Affairs, is hereby upgraded into a service level unit which shall henceforth be known as the Procurement Supply and Property Management Service.

SECTION 2. The Procurement Supply and Property Management Service shall be headed by a service chief to be appointed by the President upon recommendation of the Secretary of Transportation and Communications.

SECTION 3. The aforesaid service unit shall be responsible for providing the department, including sectoral and regional offices, services relating to procurement of supplies and equipment, and property utilization and disposal.

It shall have the following divisions:

1. Procurement Division;
2. Supply Division; and
3. Property Utilization and Disposal Division.

SECTION 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 23rd day of August, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 87
AUTHORIZING THE ECONOMIC INTELLIGENCE AND INVESTIGATION BUREAU TO
MAINTAIN AND ESTABLISH REGIONAL OFFICES

WHEREAS, Executive Order No. 127, as amended, reorganizing the Department of Finance, converted the Economic Intelligence and Investigation Bureau into a purely staff agency, thus preventing it from maintaining and/or establishing its regional offices;

WHEREAS, the nature, mode and extent of economic sabotage, smuggling, tax evasion, dollar salting and other related illegal activities that undermine revenue and customs law and adversely affect the national economy are widespread and nationwide;

WHEREAS, the maintenance and/or establishment by the Economic Intelligence and Investigation Bureau of regional offices are essential to effectively and efficiently gather, collate and evaluate intelligence reports and data for the purpose of monitoring these illegal activities and the eventual prosecution of the perpetrators thereof; and

WHEREAS, Section 70 of Executive Order No. 127, as amended, authorizes changes in the reorganization of the Department of Finance to promote efficiency and effectiveness in the delivery of public services, subject to the approval of the President.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Economic Intelligence and Investigation Bureau, under the administrative and operational control of the Secretary of Finance, is authorized to maintain and/or establish regional offices as may be necessary. The appropriate structure and staffing pattern shall be determined in coordination with and subject to the approval of, the Department of Budget and Management.

SECTION 2. The additional amount that may be needed in the maintenance and/or establishment of Economic Intelligence and Investigation Bureau regional offices is chargeable against the ₱27.5 million fund provided in CY 1988, for the department-wide reorganization of the Department of Finance.

SECTION 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 25th day of August, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 88
TRANSFERRING THE NATIONAL NUTRITION COUNCIL FROM THE DEPARTMENT OF
SOCIAL WELFARE AND DEVELOPMENT TO THE DEPARTMENT OF AGRICULTURE

WHEREAS, Executive Order (EO) No. 234, series of 1987, transferred the National Nutrition Council (NNC), as an attached agency of the Department of Agriculture, to the Department of Social Welfare and Development;

WHEREAS, the nutritional needs of the population relate primarily to food production and agricultural development;

WHEREAS, it is necessary to adopt a unified policy direction and a rational approach to the problem of malnutrition, undernutrition and inadequate food production;

WHEREAS, the Department of Agriculture is the government agency responsible for the increase in agricultural food production and supply; and

WHEREAS, Section 27 of EO No. 116 in relation to Section 25 of EO No. 123, both series of 1987, authorize changes in the reorganization of the Department of Agriculture and the Department of Social Welfare and Development, respectively, to promote efficiency and effectiveness in the delivery of public services, subject to the approval of the President.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Attachment – The NNC shall be transferred from the Department of Social Welfare and Development to the Department of Agriculture. The transfer shall include the appropriation, funds, records, equipment and facilities.

SECTION 2. The representative of the Department of Agriculture in the Governing Board of the NNC shall be the Chairman of the Council, in lieu of the representative of the Department of Social Welfare and Development.

SECTION 3. Except as herein provided, and subject to the provisions of EO No. 234, series of 1987, there shall be no change in the existing structure and staffing pattern of the Council.

SECTION 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 26th day of August, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 89

ADMINISTRATIVE CASE AGAINST ASSISTANT PROVINCIAL FISCAL EMILIO CECILIO OF NUEVA ECIJA FOR (1) “DISHONESTY, BAD FAITH, IMMORAL USE OF AUTHORITY OR INFLUENCE INHERENT TO HIS OFFICE, AND MALICIOUS CONNIVANCE WITH ANOTHER PUBLIC OFFICIAL TO SUPPRESS PUBLIC DOCUMENT” AND (2) CONDUCT UNBECOMING A PUBLIC OFFICIAL.

This refers to the administrative case filed by Rafael Pambid against former Assistant Provincial Fiscal Emilio Cecilio of Nueva Ecija for (1) “dishonesty, bad faith, immoral use of authority or influence inherent to his office, and malicious connivance with another public official to suppress public document” and (2) conduct unbecoming a public official.

Anent the first charge, complainant Pambid alleged that respondent, knowing that Emilio Valdez falsified a “Kasulatan ng Pagkakaloob,” dated May 14, 1961, whereby Beatriz Altuberos (who died on August 8, 1952) purportedly donated to Valdez a parcel of land in Bongabon, Nueva Ecija, covered by TCT No. 5918, nevertheless purchased from Valdez said parcel of land; that, in connivance with the Register of Deeds of Nueva Ecija and using his influence as Assistant Provincial Fiscal, he succeeded in having TCT No. 5918 reconstituted although the said title was not missing at all but was only suppressed by the Register of Deeds; that the Court of First Instance of Nueva Ecija ordered the reconstitution of TCT No. 5918; that subsequently, in collusion with the Register of Deeds, respondent obtained TCT No. NT-66670 in his name; and that after a few days, respondent mortgaged the property for ₱9,500.00 to the Philippine National Bank (PNB).

On the second charge, it is averred that, sometime in October and November 1977, respondent utilized PC Sgt. R.B. Joson to illegally wrest possession of the land from the tenants and forced them to sign a contract of tenancy with him.

After investigation conducted by City Fiscal Manuel R. Maza of San Jose City, respondent was found innocent of the first charge, but guilty of non-payment of real estate taxes, non-payment of just debt to the PNB and forcibly taking possession of the land from the tenants.

The then Secretary of Justice agreed with the findings of the City Fiscal. As to the first charge, it was established that Emilio Valdez could not be guilty of estafa thru falsification of public document, as he presented a death certificate showing that Beatriz Altuberos died on January 31, 1969, and not on August 8, 1952. With a valid deed of donation, Valdez could transfer ownership to respondent at the time of the execution of the deed of sale.

It further appears that respondent was issued TCT No. NT-66670 on the basis of a valid deed of sale and not because of collusion with the Register of Deeds of Nueva Ecija. Indeed, there was no need for such collusion, since respondent had a valid deed of sale to present. Neither was there any collusion between respondent and the Register of Deeds regarding the reconstitution of TCT No. 5918. Upon a finding of the court that reconstitution is in order, the duty of the Register of Deeds to reconstitute TCT No. 5918 is only ministerial.

Anent the second charge, while respondent may have a title to the land, he had no right to take possession of the land forcibly from the tenants, who were in continuous occupation thereof long before he acquired title to it, in a manner other than that prescribed by law. Certainly, there was no necessity for the presence of PC Sgt. Josen, if the purpose was only to advise the tenants that they had no right to stay in the land. Precisely, the presence of said PC sergeant, displaying physical power or threat of use of the same, instilled such fear upon the tenants as to compel them to surrender possession of the land. Such forcible taking of possession from the tenants constitutes a violation or obstruction of their right to be respected in their possession. Be that as it may, it appears that the tenants themselves decided to enter into a contract of tenancy with respondent in order to take advantage of the right to purchase the portions they cultivate pursuant to Presidential Decree No. 27.

Accordingly, the Secretary of Justice found respondent guilty of non-payment of real estate taxes, non-payment of just debt to the PNB, and forcibly taking possession of the land from the tenants, and recommended that respondent be suspended from office for one (1) year without pay.

On August 29, 1985, this Office requested the Ministry (now Department) of Justice for updated comment/recommendation on the administrative case against respondent, as well as information on his current personnel status, considering that respondent's case was not acted upon by the former President.

In a 2nd indorsement to this Office, dated July 25, 1986, the Ministry of Justice commented that the pending administrative case against respondent was "considered abated by reason of his retirement from the government service on June 30, 1975, in the spirit of the President's memorandum to the Secretary of Justice dated December 14, 1972 in the case of Judge Vivencio M. Ruiz, considering the administrative case against him as moot and academic because of his retirement." It was also opined that since respondent is no longer connected with the government in any capacity whatsoever, his official ties therewith having been completely severed with his retirement from the service on June 20, 1975, as stated in the aforesaid 2nd indorsement dated July 25, 1986, the instant case may be deemed moot and academic.

On the issue of respondent's status after his retirement, the better and more recent rule is that which was pointed out in the later case of People vs. Valenzuela (L-63950-60 April 19, 1985, 135 SCRA 712), citing Perez vs. Abiera (Adm. Case No. 223-J, June 11, 1975, 64 SCRA 302), to the effect that the doctrinal pronouncement in the Andula vs. Lucero case (Adm. Matter No. 679-ACJ, December 19, 1974, 61 SCRA 416) is abandoned and is not to be applied with undeviating rigidity, considering that:

"... It was not the intent of the court in the case of Quintillan to set down a hard and fast rule that the resignation or retirement of a respondent judge as the case may be renders moot and academic the administrative case pending against him; nor did the Court mean to divest itself of jurisdiction to impose certain penalties short of dismissal from the government service should there be a finding of guilt on the basis of the evidence. In other words, the jurisdiction that was Ours at the time of the filing of the administrative complaint was not lost by the mere fact that the respondent public official had ceased to be in the office during the pendency of his case. The Court retains its jurisdiction either to pronounce the respondent official innocent of the charges or declare him guilty thereof. A contrary rule would be fraught with injustices and pregnant with dreadful and dangerous implications. For what remedy would the people have against a judge or any other public official who resorts to wrongful and illegal conduct during his last days in office? What would prevent some corrupt and

unscrupulous magistrate from committing abuses and other condemnable acts knowing fully well that he would soon be beyond the pale of the law and immune to all administrative penalties? If only for reasons of public policy, this Court must assert and maintain its jurisdiction over members of the judiciary and other officials under its supervision and control for acts performed in office which are inimical to the service and prejudicial to the interests of litigants and the general public. If innocent, respondent official merits vindication of his name and integrity as he leaves the government which he served well and faithfully; if guilty, he deserves to receive the corresponding censure and penalty proper and imposable under the situation.” (Emphasis added.)

After a careful review of the case, I concur in the findings of the Department of Justice that respondent is guilty of non-payment of real estate taxes, non-payment of just debt to the PNB and forcibly taking possession of the land from the tenants.

However, since respondent is no longer in the government service, the penalty of suspension from office for one (1) year without pay is no longer administerable. On the other hand, to make him refund to the government the equivalent of his one (1) year salary is too harsh. At most, respondent should be fined with one (1) month of his salary.

WHEREFORE, former Assistant Provincial Fiscal EMILIO CECILIO of Nueva Ecija is hereby fined in an amount equivalent to his one (1) month salary at the time the administrative complaint was filed, and is hereby ordered to pay the corresponding amount to the government within fifteen (15) days from his receipt hereof.

Done in the City of Manila, this 2nd day of September, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 90

FURTHER EXTENDING THE LIFE OF THE SPECIAL PRESIDENTIAL COMMITTEE ON THE PHILIPPINE VETERANS BANK CREATED UNDER ADMINISTRATIVE ORDER NO. 29 DATED JULY 10, 1987, AND EXTENDED UNDER ADMINISTRATIVE ORDER NO. 62 DATED FEBRUARY 23, 1988.

WHEREAS, the aforementioned Committee needs additional time to study and work on how to rehabilitate the Philippine Veterans Bank;

WHEREAS, the Committee shall continue to be guided by the action plan for the further study on how to rehabilitate the Bank as follows:

- a. Establish the reasonable values of the Bank's assets and liabilities by hiring reputable auditors and appraisers;
- b. Negotiate with creditors for the restructuring of the Bank's obligations and possible agreement for condonation of unpaid interests and charges;
- c. Reorganize the Bank for operational efficiency and cost effectiveness;
- d. Formulate new credit policies, lending and operational guidelines so as to insulate the Bank from errors in the past;
- e. Identify and adopt new programs and businesses for enhanced financial returns;
- f. Design a training, reorientation and development program for the Bank's human resources; and
- g. Establish a clean Balance Sheet for a New Philippine Veterans Bank as a fresh start.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby extend the life of the Special Presidential Committee for another period of four (4) months from the date of release of funds for this purpose.

DONE in the City of Manila, this 2nd day of September, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 91
CREATING A CABINET COMMITTEE ON MATTERS AFFECTING OIL PRICES

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby create a Cabinet Committee On Matters Affecting Oil Prices, hereinafter referred to as the Committee. The Committee shall address, among others, the following issues:

- a. The geopolitical implications of government's intervention or non-intervention in the pricing of oil products;
- b. The possibility and implications of phasing out the Oil Price Stabilization Fund; and
- c. The specific measures to take to prevent oil cartels or collusion among oil dealers in the pricing of oil products.

The Committee shall be composed of the following:

Sec. Vicente R. Jayme (DOF, Chairman) Sec. Franklin M. Drilon (DOLE, Member)
Sec. Solita C. Monsod (NEDA, Member)
Hon. Manuel Estrella (PNOC, Member)
Hon. Ponciano Mathay (ERB, Member)
Hon. W. R. dela Paz (OEA, Member)

The Committee is authorized to set up a Technical Staff which will undertake the gathering of relevant information and preliminary studies for discussion by the Committee. The Technical Staff shall be drawn from the officers and employees of the member agencies.

The Committee shall submit its recommendations to the President not later than six months from the date hereof.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 12th day of September, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 92

AMENDING ADMINISTRATIVE ORDER NO. 504, S. 1986, “LIFTING OF THE BAN ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR PUBLIC LANDS IN BAGUIO CITY, CREATING A COMMITTEE TO SCREEN AND EVALUATE ALL SUCH PUBLIC LAND APPLICATIONS AND FOR OTHER PURPOSES”

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The third sentence of the first paragraph of ADMINISTRATIVE ORDER NO. 504, s. 1986, is hereby amended to read as follows:

“All such applications, however, shall be screened and evaluated by a Committee which is hereby created composed of the Secretary, Department of Environment and Natural Resources or his duly designated representative, as Chairman, and the Director, Lands Management Bureau and the City Mayor of Baguio as Members, to:

- a) determine the suitability of the area applied for the purpose for which the same is intended, including the qualifications and capability of the applicants to underwrite the project and to put the said land into beneficial use, to preclude the acquisition of such lands by speculators;
- b) grant clearance to all public land applications in the City of Baguio;
- c) monitor compliance by applicants with all legal requirements regarding construction of the improvements appropriate for the purpose for which the land has been applied for, including payment of the purchase price and all other legal fees.

SECTION 2. The second paragraph of Administrative Order No. 504, s. 1986 is hereby amended to read as follows:

“The Department of Environment and Natural Resources shall accept and process public land applications in Baguio only upon prior clearance from the Committee.

SECTION 3. This Administrative Order is issued in the public interest and shall take effect immediately.

Done in the City of Manila, this 22nd day of September, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 93
STRENGTHENING THE OFFICE OF THE NATIONAL COMMISSION ON THE ROLE OF
FILIPINO WOMEN AND FOR OTHER PURPOSES.

WHEREAS, the National Commission on the Role of Filipino Women (NCRFW) was created to ensure the full integration of women for economic, social and cultural development at national, regional and international levels and to ensure further the equality between men and women;

WHEREAS, the 1987 Constitution in Article II, Section 14 provides that “The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men”;

WHEREAS, foreign governments and organizations both local and international, including individuals, have expressed their willingness to extend assistance to the NCRFW by way of donations, contributions, grants, bequests or gifts in support of its various programs and projects;

WHEREAS, there is a need to strengthen the NCRFW in order to enable it to effectively carry out the purposes for which it was created;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

1. The National Commission on the Role of Filipino Women is hereby authorized:
 - (a) To call upon the assistance of any department, agency, instrumentality, including government-owned or controlled corporations;
 - (b) To engage the services of persons, natural or juridical, necessary for the implementation of its programs and projects;
 - (c) To set up a Fund Code, in coordination with the Department of Budget and Management and consistent with the provisions of the annual General Appropriations Act, for all donations, contributions, grants, bequests or gifts received.
2. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 6th day of October, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 94

**DIRECTING NATIONAL AND LOCAL OFFICIALS AND EMPLOYEES TO DISREGARD
REPRESENTATIONS MADE BY REAL, PRETENDED OR IMAGINARY RELATIVES OF THE
PRESIDENT.**

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby direct all national and local officials and employees who are holding positions of trust and responsibility to disregard any representations made by real, pretended or imaginary relatives of mine or of the late Senator Benigno S. Aquino, Jr., in which the interested party invokes or makes use of my name, that of any member of my family, or such relationship in order to obtain any favor, concession or privilege either for him or for any other person.

The officials to whom the representations are made are hereby enjoined to immediately cause the filing of appropriate charges under Section 315(2) of the Revised Penal Code and Sec. 4(a) of the Anti-Graft and Corrupt Practices Act (R.A. No. 3019, as amended) against the guilty party or parties.

DONE in the City of Manila, this 6th day of October, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 95
AMENDING SECTION 2 OF ADMINISTRATIVE ORDER NO. 55 DATED FEBRUARY 9, 1988,
“PROVIDING FOR CABINET OFFICERS FOR REGIONAL DEVELOPMENT”

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Section 2 of Administrative Order No. 55, s. 1988, is hereby amended to read as follows:

“SECTION 2. Functions, Duties and Responsibilities of the CORD.”

The CORD shall:

- (a) Assist in articulating the Region’s concerns and perceptions in the Cabinet, with the other Departments, the Office of the President, and concerned agencies;
- (b) Assist the President in the speedy, efficient, honest and orderly resolution of problems in government operations in the Region;
- (c) Assist in identifying and clarifying the key issues, priorities and projects in his assigned Region, particularly development (thru the Regional Development Council) and reconciliation and security (thru the Regional Peace and Order Council);
- (d) Support the development of the institutional capabilities of the Region’s administrative machinery;
- (e) Formulate a plan of action, consistent with this Administrative Order, which plan of action shall be subject to the approval of the President;
- (f) Go on regular visits to, and conduct consultations with public officials and employees as well as non-government organizations and the private sector in, his Region of assignment;
- (g) Function as Convenor during the Presidential Regional consultations;
- (h) Submit a monthly report of his activities to the President. A standard format shall be adopted for this purpose; and
- (i) Perform such other functions as may be determined by the President.

SEC. 2. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 10th day of October, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 96
AUTHORIZING METRO-TAISHO INSURANCE CORPORATION TO BECOME A SURETY
UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.

WHEREAS, Section 1 of Act No. 536, as amended by Act. 2206, provides that whenever any recognizances, stipulation, bond or undertaking conditioned for the faithful performance of any duty or any contract made with any public authority, national, provincial, municipal or otherwise or of any undertaking or for doing or refraining from doing anything in such recognizances, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the Fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, judge, officer, board or body, whether executive, legislative, or judicial, shall approve or accept any corporation as surety on any recognizances, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, METRO-TAISHO INSURANCE CORPORATION is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended:

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize METRO-TAISHO INSURANCE CORPORATION to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by laws, subject, however, to the condition that the amount constituting the contributed surplus fund shall not at anytime be withdrawn and paid back in cash to the contributing stockholders without prior recommendation and justification by the Insurance Commissioner duly approved by the Secretary of Finance, and provided further, that the moment METRO-TAISHO INSURANCE CORPORATION becomes indebted to any government instrumentality or political subdivision thereof, or to any government owned or controlled corporation in the total amount of ₱50,000.00 accruing from the issuance of bonds, the same having become due and demandable, the insurance company must voluntarily desist from writing or issuing all kinds of bonds until the outstanding liabilities in government bonds shall have been fully paid or settled. Non-payment of liabilities shall be a cause for the immediate revocation of the Administrative Order.

Done in the City of Manila, this 11th day of October, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 97
CREATING AN AD-HOC COMMITTEE TO INVESTIGATE THE ADMINISTRATIVE
COMPLAINT AGAINST MESSRS. VICTORINO PALPAL-LATOC AND CARMELO LACSON.

A Committee in the Office of the Solicitor General is hereby created to investigate the administrative charge filed by the Secretary of Transportation and Communications against Messrs. Victorino Palpal-latoc and Carmelo Lacson, Assistant Secretary and Executive Director, respectively, for the Office of Air Transportation, arising out of the award of a portorage service contract for the Iloilo City Airport in favor of one Mr. Bernie Miague.

The Committee shall be composed of a Chairman and two (2) members to be designated by the Solicitor General.

For the purpose of investigation, the Committee is hereby granted all the powers of an investigating body under Sections 71 and 580 of the Revised Administrative Code, including the power to summon witnesses, administer oaths, and take testimony or evidence relevant to the investigation.

The Committee is hereby empowered to call upon any department, bureau, office, agency or instrumentality of the government for such assistance as it may need in the discharge of its functions.

The Committee shall submit its report and recommendation to the President of the Philippines as soon as possible.

Manila, October 26, 1988

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 98

AMENDING ADMINISTRATIVE ORDER NO. 66, DATED MARCH 30, 1988, ENTITLED
“CREATING THE NATIONAL ORGANIZING COMMITTEE FOR THE APPROPRIATE
CELEBRATION OF THE UNITED NATIONS WORLD DECADE FOR CULTURAL
DEVELOPMENT, 1988-1997, AND THE HOLDING OF THE FIRST INTERNATIONAL
FESTIVAL AND CONFERENCE ON INDIGENOUS AND TRADITIONAL CULTURES IN
MANILA ON 20-25 OCTOBER 1988.”

By virtue of the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby amend ADMINISTRATIVE ORDER NO. 66, dated March 30, 1988, entitled “Creating the National Organizing Committee for the Appropriate Celebration of the United Nations World Decade for Cultural Development, 1988-1997, and the Holding of the First International Festival and Conference on Indigenous and Traditional Cultures in Manila on 20-25 October 1988”, by resetting the Festival from 20-25 October 1988 to 22-27 November 1988.

Done in the City of Manila, this 8th day of November, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 99
CONSTITUTING AN INTER-AGENCY COMMITTEE TO UNDERTAKE A PROGRAM TO
IMPROVE THE INFRASTRUCTURE OF THE JUSTICE SYSTEM

WHEREAS, the infrastructure of the justice system is characterized by an acute shortage or by the poor quality of buildings, rooms and other facilities assigned to officials exercising judicial functions;

WHEREAS, in order to facilitate the improvement of the infrastructure of the justice system, it is necessary that an inter-agency committee be constituted that will undertake a study of and implement a building construction and/or rehabilitation program;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby constitute a Committee composed of the Secretary of Justice, as Chairman, and the Secretaries of Public Works and Highways and of Local Government, as members, to immediately undertake a program for the construction and/or rehabilitation of court buildings and offices of Fiscals, Citizens Attorneys and Probation Officers.

The Secretary of Public Works and Highways shall assist the Secretary of Justice in undertaking all the activities leading to the award of all the contracts under the program and in supervising all construction projects. The Secretary of Local Government, on the other hand, shall coordinate with the different local government units in prosecuting the projects under the program.

The Secretary of Budget and Management shall provide the necessary funding support for this program.

The Committee may request support from any department, bureau, office, agency and instrumentality of the Government to carry out its mission. It shall consult the Supreme Court in the physical design and allocation of courtrooms and offices of judges.

The Secretary of Justice shall submit a program report on the implementation of this program not later than 15 January 1989.

Done in the City of Manila, this 1st day of December, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 100

CREATING A COMMITTEE TO IMPLEMENT THE MEMORANDUM OF AGREEMENT
AMENDING THE 1947 MILITARY BASES AGREEMENT AND THE ACCOMPANYING LETTER
OF US PRESIDENT RONALD REAGAN TO RP PRESIDENT CORAZON C. AQUINO DATED
OCTOBER 17, 1988, AND PROVIDING FOR THE SPECIFIC COMPONENTS AND THE LEAD
AGENCIES THEREOF

To implement the Memorandum of Agreement amending the 1947 Military Bases Agreement and its accompanying Letter of US President Ronald Reagan to RP President Corazon C. Aquino dated October 17, 1988, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby create a Committee composed of representatives of the following:

Department of Foreign Affairs	– Chairman
Department of Finance	
Department of Agriculture	
Department of Labor and Employment	
Department of National Defense	
Department of Health	
Department of Trade and Industry	
National Economic and Development Authority	– Members

The representatives shall be with the ranks of at least Assistant Secretary.

The specific components of the Memorandum of Agreement and the accompanying Letter shall be implemented with the following as the lead agencies:

- a. Department of National Defense – Procurement program for military equipment supplies
- b. National Economic and Development Authority – Allocation scheme for a debt reduction program and budgetary support from the Economic Support Fund (ESF)
- c. Department of Agriculture in coordination with the Department of Local Government – Determination of food commodities and related development projects
- d. Department of National Defense – Program to convert to grants the unused Foreign Military Sales
- e. Department of Trade and Industry – Appropriate mechanisms through which the Overseas Private Investment Corporation would finance productive projects in the Philippine private sector
- f. Department of Trade and Industry – Development of Philippine imports of capital goods to be financed by the US Export-Import Bank
- g. Department of Finance in coordination with the Department of Foreign Affairs – Debt reduction program from the interest savings derived from debt reduction out of the rapid disbursement of ESF

- h. Department of Labor and Employment – Review of the Bases Labor Agreement
- i. Department of Foreign Affairs in coordination with the Department of National Defense – Proposals relative to Philippine veterans claims
- j. Department of Health – Programs and funding to support the prevention, education, detection and control of Acquired Immuno Deficiency Syndrome (AIDS)
- k. Department of National Defense in coordination with the Department of Foreign Affairs – Details of the updated MBA on nuclear or non-convention weapons
- l. Department of Justice in coordination with the Department of Foreign Affairs and Department of National Defense – Appropriate measures regarding ownership and renewal of properties within the US military facilities in Philippine bases
- m. Department of National Defense – Plans to address the issues of base security and presence of squatters within the US military facilities in Philippine bases

Done in the City of Manila, this 2nd day of December, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 101

**CREATING A HUMAN RIGHTS COMMITTEE WITH REPRESENTATIVES FROM THE
EXECUTIVE, CONGRESS, THE COMMISSION ON HUMAN RIGHTS AND PRIVATE SECTOR
HUMAN RIGHTS GROUPS.**

WHEREAS, the Constitution provides in the Declaration of Principles and State Policies that, “The State values the dignity of every human person and guarantees full respect for human rights”;

WHEREAS, this Government is firmly committed to protect human rights and promote its observance by all;

WHEREAS, there is a need for a standing body with representatives from the Executive, Congress, the Commission on Human Rights, and private sector human rights groups to assess and monitor, on a continuing basis, the Philippine human rights situation and to advise the President on the proper measures that ought to be taken without delay.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There is hereby created a Human Right Committee, to be composed of:

The Secretary of Justice as Chairman

The Chairman of the Commission on Human Rights, the Presidential Legal Counsel, a representative of the Department of National Defense, a Senator and a Congressman as the Senate President and the Speaker of the House of Representatives may wish to designate and two representatives of private human rights groups to be nominated by said groups and appointed by the President, as Members.

SECTION 2. The Committee shall exercise the following functions and duties:

- a. To assess and monitor the Philippine human rights situation and advise the President so that proper measures can forthwith be taken effectively;
- b. To assist relatives to locate persons who have disappeared and are believed to be detained illegally; and
- c. To perform such other functions and duties as may be necessary to meet the objectives of the Committee.

SECTION 3. The Committee shall have a Secretariat which shall be located in the Department of Justice. The Secretariat shall provide staff support to the Committee.

SECTION 4. The amount of One Hundred Thousand (₱100,000.00) Pesos, or so much thereof as may be necessary, is hereby authorized to be released from the Compensation and Organizational Adjustment Fund in the 1988 General Appropriations Act or from such other lump-sum appropriations as may be determined by the Department of Budget and Management for the operational requirements of the Committee.

SECTION 5. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 13th day of December, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). [*Administrative Order Nos.: 1 -150*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 102
RECONSTITUTING THE MEMBERSHIP OF THE RIZAL DAY NATIONAL COMMITTEE,
CREATED UNDER ADMINISTRATIVE ORDER NO. 51 DATED DECEMBER 21, 1987,
TO OBSERVE THE 92ND DEATH ANNIVERSARY OF DR. JOSE P. RIZAL
ON DECEMBER 30, 1988.

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby reconstitute the membership of the Rizal Day National Committee, created under ADMINISTRATIVE ORDER NO. 51 dated December 21, 1987, to observe the 92nd Death Anniversary of Dr. Jose P. Rizal on December 30, 1988, as follows:

Hon. Lourdes R. Quisumbing Secretary of Education, Culture & Sports	– Chairperson
Hon. Guillermo N. Carague Secretary of Budget and Management	– Member
Hon. Teodoro C. Benigno Press Secretary	– Member
Hon. Jose Mabanta Undersecretary of Public Works & Highways	– Member
Hon. Rolleo Ignacio Undersecretary of Local Government	– Member
Hon. Narzalina Z. Lim Undersecretary of Tourism & Acting Chairman, National Parks Development Committee	– Member
Hon. Rosita L. Fondevilla Undersecretary of Social Welfare & Development	– Member
Hon. Miguel Perez Rubio Chief of Presidential Protocol	– Member
Hon. Elfren S. Cruz Governor, Metropolitan Manila Commission	– Member
Hon. Gemiliano C. Lopez, Jr. Mayor of Manila	– Member
Justice Conrado Vasquez Supreme Commander of the Knights of Rizal	– Member
Mrs. Trinidad Gomez President of the Civic Assembly of Women of the Philippines	– Member
Mr. Serafin Quiason, Jr. Chairman, National Historical Institute	– Member
Mr. Teodoro Locsin, Sr.	– Member

This Administrative Order shall take effect immediately

Done in the City of Manila, this 26th day of December, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 103
CREATING A NATIONAL COMMITTEE FOR THE COMMEMORATION OF THE THIRD
ANNIVERSARY OF THE FEBRUARY 22-25, 1986 REVOLUTION.

WHEREAS, the February 22-25, 1986 Revolution ushered in a new political, social and economic system anchored on democratic traditions;

WHEREAS, there is need to commemorate said occasion in recognition of our people's capacity to transform their way of life and the future of their nation by acting decisively with vision and courage;

WHEREAS, in line with its main thrust of promoting the Philippines as the Fiesta Islands of 1989, the Department of Tourism has also chosen the occasion as a prime fiesta event for the month of February 1989.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby create a National Committee for the commemoration of the Third Anniversary of the February 22-25, 1986 Revolution.

The Committee shall be composed of the following:

The Secretary of Tourism	– Chairman
The Governor, Metropolitan Manila Commission	– Vice Chairman
The Secretary of National Defense	– Member
The Secretary of Education, Culture & Sports	– Member
The Secretary of Public Works & Highways	– Member
The Press Secretary	– Member
Bishop Gabriel Reyes	– Member
Ms. June Keithley	– Member
Mr. Alberto Lim	– Member
Mr. Ramon del Rosario, Jr.	– Member

The Committee shall have the following functions:

1. Formulate and implement a comprehensive plan for the commemoration of the Third Anniversary of the February 22-25, 1986 Revolution; and

2. Direct, supervise and coordinate the participation of all sectors who would like to celebrate the Third Anniversary of the February 22-25, 1986 Revolution.

The Committee is hereby authorized to call on any government agency for support and assistance in the accomplishment of its tasks.

The Secretary of Budget and Management is hereby authorized to allocate the amount necessary to support this activity.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 27th day of December, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 104
AMENDING ADMINISTRATIVE ORDER NO. 75, DATED JUNE 21, 1988, ENTITLED
“CREATING THE PRESIDENTIAL TASK FORCE ON THE IMPROVEMENT OF THE
ADMINISTRATION OF JUSTICE.”

Paragraph No. 6 of Administrative Order No. 75, dated June 21, 1988, creating the Presidential Task Force on the Improvement of the Administration of Justice, is hereby amended by increasing the amount therein earmarked for the project pegged at ₱200,000.00 to ₱400,000.00 provided that the ₱200,000.00 cash advance previously granted be first liquidated before the additional ₱200,000.00 cash advance may be released.

Done in the City of Manila, this 29th day of December, in the year of Our Lord, nineteen hundred and eighty-eight.

(Sgd.) **CORAZON C. AQUINO**

By the President:
(Sgd.) **CATALINO MACARAIG, JR.**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1988). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 105
CREATING THE COORDINATING COUNCIL ON THE PHILIPPINE ASSISTANCE PROGRAM

WHEREAS, there is a need to mobilize the international community's support to achieve the objectives of sustainable economic growth coupled with an equitable distribution of income and wealth; and

WHEREAS, it is to the best interest of the Government to take the lead role, in partnership with the private sector, in coordinating efforts to effectively mobilize the aid and to ensure its successful implementation;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Creation of a Coordinating Council on the Philippine Assistance Program. – There is hereby created a Coordinating Council for the Philippine Assistance Program, hereinafter referred to as the Council, to be composed of the following:

- The Secretary of Foreign Affairs
- The Secretary of Finance
- The Secretary of Justice
- The Secretary of Agriculture
- The Secretary of Public Works and Highways
- The Secretary of Trade and Industry
- The Executive Secretary
- The Secretary of Transportation and Communications
- The Secretary of Budget and Management
- The Secretary of Socio-Economic Planning
- The Secretary of Agrarian Reform
- The Cabinet Secretary
- The Governor of Central Bank
- The Representative of the Senate to be designated by the Senate President
- The Representative of the House of Representatives to be designated by the Speaker
- Four representatives from the private sector to be named by the President

The Council may invite any individual or representative of non-government organizations, agriculture and industrial labor groups, and such other related associations to serve as Resource Person. It is likewise authorized to call on any departments, bureaus, offices and instrumentalities of the government, including Foreign Service Offices/establishments, for appropriate assistance.

SECTION 2. The Chairman and the Secretary. – The Council shall select from amongst its members its Chairman who shall be directly responsible to the President for the implementation of the Philippine Assistance Program. The Cabinet Undersecretary shall serve as Secretary of the Council.

SECTION 3. Powers and Functions of the Council. – The Council shall:

- a. serve as clearing house for all government positions and statements on the assistance program;
- b. serve as the overall implementing mechanism for the assistance program;
- c. formulate and recommend policies and guidelines that will govern the implementation of the assistance program;
- d. conduct appropriate consultations with concerned local groups and foreign governments/institutions on matters relating to the implementation of the assistance program;
- e. monitor, review, and evaluate the implementation of programs and projects under the assistance program;
- f. prepare and submit to the President reports on the implementation of the assistance program; and
- g. perform such other functions as may be directed or authorized by the President.

SECTION 4. Committees of the Council. – A Technical Committee composed of senior officials or representatives designated by the members of the Council is hereby created. Its principal functions include the preparation of technical reports for consideration of the Council and the review of proposals submitted for the approval of the Council. The Council may appoint an Executive Director and other subordinate officials and create such working committees as may be necessary for the attainment of its functions.

SECTION 5. Technical Secretariat. – Technical Secretariat support to the Council and its Technical Committee shall be provided by the Department of Finance and the Central Bank. Overall coordination, conference and other liaison activities shall be provided by the Office of the President (Cabinet Secretariat).

SECTION 6. Funding. – The Department of Budget and Management is hereby directed to immediately release the funds needed for the financial and operational requirements of the Council, chargeable against the funds of the Office of the President, subject to the usual accounting and auditing procedures.

SECTION 7. Repealing Clause. – Administrative Order No. 81, series of 1988, is hereby repealed.

SECTION 8. Effectivity. – This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 13th day of January, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 106

IMPOSING ON ASSISTANT PROVINCIAL FISCAL MOHAMMADJAN SARAJAN OF JOLO, SULU, THE PENALTY OF SUSPENSION FROM OFFICE FOR A PERIOD OF NINETY (90) DAYS WITHOUT PAY.

This is an administrative case against Assistant Provincial Fiscal Mohammadjan Sarajan of Jolo, Sulu, for alleged serious misconduct and gross ignorance of the law, dereliction of duty, grave abuse of discretion and infidelity in the custody of official document.

The case stemmed from the complaint, dated October 5, 1987, filed with the Tanodbayan by Judge Nabdar J. Malik of the Municipal Trial Court, Ninth Judicial Region, Jolo, Sulu, charging respondent fiscal with serious misconduct and gross ignorance of the law, dereliction of duty and grave abuse of discretion for having dismissed for lack of jurisdiction on September 10, 1987, Criminal Case No. 728, entitled “People of the Philippines versus Muharrisin Muharran, Accused”, for violation of P.D. No. 9, as amended (Illegal Possession of Live Fragmentation Handgrenade), and ordered the release of the accused, a civilian, from legal custody.

Upon referral thereof, Chief State Prosecutor Artemio Tuquero, in a 1st indorsement of October 27, 1987, directed respondent to answer the complaint within five (5) days from receipt thereof. Subsequent thereto, or on November 10, 1987, complainant charged respondent with another count for infidelity in the custody of official document for having removed, destroyed or concealed the 4th indorsement, dated September 9, 1987, of Sulu Provincial Commander/Police Superintendent Col. Romeo A. Abendan advising respondent to refer to the proper civil court Criminal Case No. 728, it appearing that upon the ratification of the new (1987) Constitution, military tribunals have ceased to exist, much less acquire jurisdiction over civilians.

After due investigation, and in the light of respondent’s written answer to the charges, the Secretary of Justice, in a letter-resolution, dated June 8, 1988, found respondent guilty of the charges, except that for infidelity in the custody of official document, he not being the official custodian of the aforementioned 4th indorsement of September 9, 1987. Accordingly, the Justice Secretary recommended that respondent be suspended from office for ninety (90) days without pay.

As found by the Secretary of Justice:

“Fiscal Sarajan, despite the assertions of the officers of the JAGO to the contrary, insisted that civil courts do not have jurisdiction over the case based on the wrong notion that the phrase ‘any person’ in PD 9 includes civilians.

“Apparently, Fiscal Sarajan is not aware of the recent ruling of the Supreme Court in the case of *Animas vs. Minister of the Ministry of National Defense*, 146 SCRA 406, where it was held:

‘In spite or because of the ambiguous nature of the decrees insofar as civilian takeover of jurisdiction was concerned and notwithstanding the

shilly-shallying and vacillation characteristic of its implementation, this Court relied on the enunciated policy of normalization in upholding the primacy of civil courts. This policy meant that as many cases as possible involving civilians being tried by military tribunals as could be transferred to civil courts should be turned over immediately. In case of doubt, the presumption was in favor of civil courts always trying civilian accused.’

“Also Fiscal Sarajan is not aware of the fact that Proclamation No. 2045 which took effect in January, 1981 dissolved all military tribunals upon final determination of cases pending therein which may not be transferred to the civil courts without irreparable prejudice to the state in view of the rules on double jeopardy or other circumstances which render further prosecution of cases difficult, if not impossible.

“Fiscal Sarajan abused his discretion in dismissing the case outright without first ascertaining the correctness of the contentions of the officers of the JAGO that the case should be tried by the civil courts. He further abused his discretion in ordering the release of the accused from the provincial jail. Fiscals do not have the power to do so.

“Fiscal Sarajan’s use of strong and offensive language in his correspondences is unbecoming of a person of his position and status which discredits his personality.

“On the other hand, we cannot hold him liable for Infidelity in the Custody of Document since he is not the custodian of the records allegedly lost.

“We believe that Fiscal Sarajan either abused his discretion or acted with ignorance of the law when he insisted that civil courts have no jurisdiction over violations of PD 9 as amended.”

After a careful review of the case, I fully agree in the above findings and recommendation of the Secretary of Justice, supported, as they are, by the evidence on record.

WHEREFORE, and as recommended by the Secretary of Justice, Assistant Provincial Fiscal Mohammadjan Sarajan of Jolo, Sulu, is hereby suspended from office without pay for a period of ninety (90) days, effective upon receipt of a copy hereof.

Done in the City of Manila, Philippines, this 16th day of January, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 107

**IMPOSING THE PENALTY OF SUSPENSION FROM OFFICE ON PROVINCIAL FISCAL
AQUILES P. NARAJOS OF KIDAPAWAN, COTABATO, FOR A PERIOD OF ONE (1) MONTH
WITHOUT PAY.**

This refers to the memorandum of the Secretary of Justice, dated September 22, 1988, recommending that Provincial Fiscal Aquiles P. Narajos of Kidapawan, Cotabato, be “suspended from the service for a period of one (1) month without pay with an admonition that matters referred to him by this Department should be attended to more expeditiously to avoid delay in the administration of justice.”

Records show that, in a 1st indorsement of February 24, 1984, the Chief State Prosecutor referred to Provincial Fiscal Narajos for his consideration the letter, dated February 1, 1984, of Mr. Rogelio T. Tano, one of the respondents in Criminal Case No. 1817 for multiple murder and frustrated murder, entitled “People vs. Rogelio Tano, et al.”, which emanated from the Municipal Circuit Trial Court of Makilala-Talunan, Makilala, North Cotabato, requesting that a state or special prosecutor be designated to investigate his case. Fiscal Narajos was directed to comment thereon, informing Mr. Tano thereof, within five (5) days from receipt of said indorsement. Despite the lapse of some time, Mr. Tano failed to receive any action or information relative to his request. He thus reiterated his request to the Ministry of Justice in a letter of November 9, 1984. The Department (then Ministry) of Justice, in a 1st Tracer, dated December 5, 1984, directed Fiscal Narajos to immediately comply with its directive contained in its aforesaid 1st indorsement of February 24, 1984. Again, Fiscal Narajos failed to comply with the instruction, which prompted Mr. Tano to write anew to the then Minister of Justice regarding his request on October 1, 1986. The Chief State Prosecutor again referred the matter to Fiscal Narajos, thus:

“Respectfully referred to the Provincial Fiscal, Kidapawan, North Cotabato, the within letter dated September 9, 1986 of Mr. Rogelio T. Tano, for his immediate consideration, comment and report thereon within five (5) days from receipt hereof, furnishing writer a copy thereof. Your attention is invited to our 1st Indorsement dated February 24, 1984, and First Tracer dated December 5, 1984, of which no compliance thereto has been made. Compliance herewith is hereby enjoined under pain of administrative sanction.”

Then again, in a letter of June 17, 1987, Fiscal Narajos was directed by the Chief State Prosecutor to conduct an investigation of the criminal complaint for multiple murder and frustrated murder against Mr. Tano, et al., to inform his (Chief Prosecutor’s) office if the case has been forwarded to his Office by the Municipal Circuit Court of Makilala-Talunan, and to submit his comment and report within five (5) days from receipt thereof.

Despite receipt of the letter of June 17, 1987, Fiscal Narajos did not submit any report regarding

the case involving Mr. Tano. Hence, on September 1, 1987, he (Fiscal Narajos) was directed to show cause why no administrative complaint should be filed against him for gross insubordination for his failure to comply with the directives contained in the letter dated June 17, 1987.

In his answer, dated September 21, 1987, Fiscal Narajos explained, among others, that:

“We have been exerting efforts to find whether we received the case from Talunan, unfortunately we have not received it, however, we verified about the case and per order of the Judge, the case had been archived or sent to the file because the accused are at large and not having been arrested. We are attaching a copy of the archive of the court and the alias warrant of arrest issued by the Municipal Judge of Talunan. The case is quite strong because all the accused have been identified as the perpetrators. We cannot investigate the case because the accused are at large and in order to show their good faith, they must first surrender to the authorities, for it might create a dangerous precedence for the accused to be asking for an investigation without surrendering to the government x x x.

“I do not mean to delay the administration of justice but our records had been misplaced since we have been transferring offices for more than five times. This case was formerly assigned to former Fiscal Francis Palmones and I had presumed that he had already answered the communications regarding this matter.”

In his memorandum mentioned at the outset, the Secretary of Justice, said:

“x x x It was only after our letter of September 1, 1987, that he (Fiscal Narajos) finally furnished this Department with the much needed information. His inaction to our directives show his open defiance to lawful orders which should not be countenanced.

“Although Fiscal Narajos’ explanation that he had been transferring offices for more than five (5) times and that the case was previously assigned to Fiscal Francis Palmones maybe taken as mitigating, however, we find no justifiable reason why he could not immediately comply with a simple request/directive from this department.”

The foregoing explains the Justice Secretary’s recommendation that Fiscal Narajos be meted the penalty of suspension from the service for one (1) month without pay, with an admonition that matters referred to him by the Justice Department be acted upon immediately to avoid delay in the dispensation of justice.

After a careful review of the case, I agree in the observations and recommendation of the Secretary of Justice, supported as they are by the evidence on record.

WHEREFORE, and upon the recommendation of the Secretary of Justice, Provincial Fiscal Aquiles P. Narajos of Kidapawan, Cotabato, is hereby suspended from office for one (1) month without pay, effective upon receipt of a copy hereof, and admonished to attend expeditiously to all matters referred to him by the Department of Justice to avoid delay in the administration of justice.

Done in the City of Manila, Philippines, this 18th day of January, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 108
REQUIRING GOVERNMENT BODIES AND OFFICIALS AUTHORIZED TO PROMULGATE
RULES AND REGULATIONS, CIRCULARS, AND OTHER OFFICIAL ISSUANCES TO
MAINTAIN COPIES OF ALL SUCH ISSUANCES EMANATING FROM THEM, CONTINUOUSLY
UPDATE THE SAME, AND HENCEFORTH SPECIFY EXISTING ISSUANCES OR PARTS
THEREOF WHICH ARE BEING REPEALED, AMENDED OR MODIFIED

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order that:

1. For purposes of enhancing the public's access to rules and regulations and all other official issuances, all government offices and officials authorized to make statements of general applicability which implement or interpret a law, fix and describe the procedures in, or practice requirements of, the office, including the regulations, shall keep copies of all such issuances which shall be made available to the public and shall formulate and implement a system for continuously updating the same.

2. To eliminate unnecessary hardships imposed on the public and on public servants, as well as to insure the systematic updating, collation and public dissemination of rules and regulations, circulars, memoranda, and other official issuances, all offices and officials referred to in paragraph one hereof are hereby directed to specify, in the promulgation they are authorized to issue, any existing issuance, or parts thereof which are being repealed, amended, or modified.

3. For purposes of having a centralized system of information as regards these issuances as well as continually updating the same, and proposing suggested improvements whenever necessary, all such government bodies and officials are directed to deposit three copies of all such rules and regulations, circulars and other official issuances with the University of the Philippines Law Center.

Done in the City of Manila, this 23rd day of January, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 109
PROVIDING MEASURES FOR THE SPEEDY DISPOSITION OF CASES FILED BEFORE ALL
QUASI-JUDICIAL AND ADMINISTRATIVE AGENCIES OF THE GOVERNMENT

For the purpose of speedy disposition of cases filed before all quasi-judicial and other administrative agencies of the government, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

1. Section 3, Rule 22, the Rules of Court in the Philippines on adjournments and postponements is hereby adopted and made applicable to all cases now pending and hereinafter filed in these agencies, except in cases where summary proceedings or shorter periods for postponement are allowed by law or rules and regulations.

Unless a different period is provided by law, all proceedings for the reception of evidence in quasi-judicial and other administrative agencies performing adjudicatory functions shall be terminated within a period of three (3) months from the first day of hearing and may be extended only for the most exigent reasons and upon the written permission of the head of the department or agency concerned.

2. Section 5 of Republic Act No. 296, the Judiciary Act of 1948, on the Judge's certificate as to work completed, is hereby adopted and made applicable to all cases now pending and hereinafter filed in these agencies.

All officials in quasi-judicial and other administrative agencies performing adjudicatory functions shall certify that all motions, where allowed, cases or matters which have been submitted for resolution, decision or determination for a period of ninety (90) days or more, computed from the last day of trial/proceedings and inclusive of the filing of Memoranda, if any, unless a shorter period is required by law or rules and regulations, have been decided or resolved on or before the date said certification is made. No leave shall be granted and no salary shall be paid without such certification.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 23rd day of January, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 110
PROVIDING FOR THE CONSTITUTION OF PUBLIC ASSISTANCE AND COMPLAINTS
UNITS IN ADMINISTRATIVE AGENCIES/BODIES/OFFICES/BOARDS IN ALL DEPARTMENTS,
GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS AND LOCAL
GOVERNMENT UNITS

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order the constitution of Public Assistance and Complaints Units in administrative agencies/bodies/offices/boards in all Departments, Government-owned and controlled corporations and local government units having no such units or their equivalents to facilitate the redress of grievances by the public.

The Public Assistance and Complaints Units in the administrative agencies shall have the following functions:

1. To receive and act on complaints and requests for assistance from the public filed with it. For this purpose, the Public Assistance and Complaints Units shall have prepared forms for complaints and requests for assistance. Appropriate instructions in bold letters shall be posted within the premises of the agency concerned to guide the public.
2. To refer to the operating unit the complaint/request for appropriate action.
3. To inform the caller/writer on the status of the complaint/request.
4. To perform such other related functions as may be assigned by the head of the agency concerned.

The Public Assistance and Complaints Units shall be staffed by the regular employees of the agencies/bodies/offices/boards, government-owned and controlled corporations and local government units concerned.

Reports of compliance with this Administrative Order shall be reported to the Office of the President within sixty (60) days after the effectivity of this Administrative Order.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 23rd day of January, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 111

**DIRECTING CONCERNED GOVERNMENT DEPARTMENTS, AGENCIES, AND OFFICES TO
COORDINATE WITH THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR AND
ACTIVELY PARTICIPATE IN TRISECTORAL DIALOGUES AND ACTIVITIES CONCERNING
THE URBAN POOR**

WHEREAS, Executive Order No. 82 dated 8 December 1986 created the Presidential Commission for the Urban Poor to coordinate the various activities and services being rendered by government and non-government organizations for the urban poor;

WHEREAS, there is a need for concerted and coordinated effort of all sectors concerned to fully address the concerns of the urban poor;

WHEREAS, the trisectoral approach provides a broader base for consultations and has been recognized to reflect the partnership between government, non-governmental organizations, and people's participation in development efforts;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby orders:

SECTION 1. Coordination with the Presidential Commission for the Urban Poor. – All government departments, agencies and offices concerned shall coordinate with the Presidential Commission for the Urban Poor in the planning, implementation and evaluation of their respective programs and projects for the urban poor.

SECTION 2. Participation in trisectoral dialogues and activities. – All government departments, agencies, and offices in coordination with the Presidential Commission for the Urban Poor, are hereby enjoined to actively and continuously participate in trisectoral dialogues and activities, involving government, non-governmental organizations and urban poor organizations, in response to the concerns of the urban poor.

SECTION 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 30th day of January, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 112
AMENDING ADMINISTRATIVE ORDER NO. 97, DATED OCTOBER 26, 1988, WHICH
CREATED AN AD-HOC COMMITTEE TO INVESTIGATE THE ADMINISTRATIVE
COMPLAINT AGAINST MESSRS. VICTORINO PALPAL-LATOC AND CARMELO LACSON.

Administrative Order No. 97, dated October 26, 1988, which created an Ad-Hoc Committee to investigate the administrative complaint against Messrs. Victorino Palpal-latoc and Carmelo Lacson, is hereby amended to read as follows:

“A Committee in the Department of Justice is hereby created to investigate the administrative charge filed by the Secretary of Transportation and Communications against Messrs. Victorino Palpal-latoc and Carmelo Lacson, Assistant Secretary and Executive Director, respectively, for the Office of Air Transportation, arising out of the award of a portorage service contract for the Iloilo City Airport in favor of one Mr. Bernie Miague, as well as other related administrative cases that may be forwarded to it for investigation.”

“The Committee shall be composed of a Chairman and two (2) members to be designated by the Secretary of Justice.

“For the purpose of investigation, the Committee is hereby granted all the powers of an investigating body under Sections 71 and 580 of the Revised Administrative Code, including the power to summon witnesses, administer oaths, and take testimony or evidence relevant to the investigation.

“The Committee is hereby empowered to call upon any department, bureau, office, agency, or instrumentality of the government for such assistance as it may need in the discharge of its functions.

“The Committee shall submit its report and recommendation to the President of the Philippines as soon as possible.”

Manila, Philippines, February 7, 1989

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 113

AMENDING ADMINISTRATIVE ORDER NO. 100, DATED DECEMBER 2, 1988, WHICH
CREATED A COMMITTEE TO IMPLEMENT THE MEMORANDUM OF AGREEMENT
AMENDING THE 1947 MILITARY BASES AGREEMENT AND THE ACCOMPANYING LETTER
OF US PRESIDENT RONALD REAGAN TO RP PRESIDENT CORAZON C. AQUINO, DATED
OCTOBER 18, 1988, AND PROVIDED FOR THE SPECIFIC COMPONENTS AND LEAD
AGENCIES THEREOF.

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby amend Administrative Order No. 100, dated December 2, 1988, which created a Committee to implement the Memorandum of Agreement amending the 1974 Military Bases Agreement and the accompanying Letter of US President Ronald Reagan to RP President Corazon C. Aquino, dated October 17, 1988, and provided for the specific components and the lead agencies thereof, by adding a fourth paragraph thereon to read as follows:

“The foregoing specific assignments of lead agencies shall be without prejudice to subsequent redistribution or reorganization of specific assignments as may be determined by the Committee to effectively carry out the implementation of the Memorandum of Agreement.”

Done in the City of Manila, this 10th day of February, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 114
CONSTITUTING THE PRESIDENTIAL COMMITTEE ON ILLEGAL FISHING AND MARINE CONSERVATION

WHEREAS, the rampant and massive destruction of the country's marine and aquatic resources by the use of explosives, sodium cyanide and other non-biodegradable poisons, 'muro-ami', "kayakas", undersized nets, poaching and other illegal fishing methods are threatening the country's primary protein source and future food supply;

WHEREAS, this continuing cycle of destruction is drastically reducing the total yield which the marine environment can sustain, and the resulting shortage is already affecting the nutritional status and health of the people;

WHEREAS, the Philippines is blessed with a significant variety of corals, tropical fish and other marine resources;

WHEREAS, there is an urgent need to coordinate the efforts of national and local government agencies, civic organizations, and the residents of fishing communities for a total and simultaneous campaign to stop and reverse this destructive trend, and manage our fishery resources to maintain their productivity;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

1. There is hereby constituted a Presidential Committee on Illegal Fishing and Marine Conservation, hereinafter referred to as the Committee, composed of the following:

Secretary, Department of Agriculture	– Chairman
Secretary, Department of Justice	– Member
Secretary, Department of Education, Culture and Sports	– Member
Secretary, Department of National Defense	– Member
Secretary, Department of Local Government	– Member
Secretary, Department of Tourism	– Member
Secretary, Department of Environment and Natural Resources	– Member
Secretary, Office of the Press Secretary	– Member
General Manager, Philippine Tourism Authority	– Member

and four (4) additional members to be chosen by the Committee from the federations of fishing associations and non-government organizations actively engaged in training and fisheries conservation.

Should any member coming from the government not be able to attend any of the Committee's regular meetings, such member may designate a representative to appear in his stead provided such representative shall be fully authorized in writing, to act and decide for his principal.

2. The Committee shall coordinate all governmental and non-governmental efforts in the planning and implementation of a national program for the conservation of marine and coastal resources. Its responsibilities shall include the following:

a) To carry out such measures as may be necessary to implement its nationwide campaign, including community education and public information, alternative livelihood projects, organization of local coordinating councils, organizing a communications network, coordination with the proper authorities in apprehension and prosecution campaign and in confiscation and disposition of illegally caught fish and fishing equipment;

b) To review existing policies, procedures, laws and regulations affecting fishing methods, licensing, importation, transporting, possession and disposition of poisons, toxic drugs, explosives and destructive chemicals and equipment used for fishing and to recommend to the President such appropriate measures as may be needed to modify or change existing law, rules and regulations in order to conserve and develop the marine and coastal resources of the country;

c) To conduct training of all personnel from the government and the private sector involved in the campaign, which shall include orientation on marine ecology and all applicable fishing rules and regulations, the development of skills in detecting fish caught with explosives and noxious substances, and the general orientation on the campaign for environmental protection and conservation;

d) To undertake extensive civic information campaign and training programs for fishing communities, local government officials, civic and influential leaders and to enlist their active support and cooperation for the campaign;

e) To regularly evaluate the programs of the joint campaign, and make such modifications thereon as may be necessary;

f) To coordinate its efforts with international and civic foundations and agencies;

g) To call upon other departments, agencies and instrumentalities of the government to participate actively in its programs;

3. The Committee shall organize an operations group to monitor and implement its programs, and such group shall consist of technical personnel and consultants detailed from any of the Departments and offices represented in the Committee who shall serve full time. Their basic salaries, honoraria and allowances shall continue to be paid by their respective departments or agencies.

4. The Committee shall finance its activities from fund contributions of its members to be charged against their respective authorized programmed appropriations for the calendar year.

5. The Committee shall submit to the President a quarterly report of its activities and accomplishments.

6. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 13th day of February, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 115
CONSTITUTING THE FOREIGN INFORMATION COUNCIL

WHEREAS, an effective overseas information and communications strategy is crucial in enhancing Philippine foreign relations;

WHEREAS, in adopting said strategy, it is necessary to constitute a body that will formulate the plans and strategies and to insure that the effort shall bring about positive results in gaining more international respect and recognition for the Philippines;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

There is hereby constituted the Foreign Information Council (FIC) composed of the following:

The Secretary of Foreign Affairs	– Chairman
The Press Secretary	– Co-Chairman
The Secretary of Labor and Employment	– Member
The Secretary of Trade and Industry	– Member
The Secretary of Tourism	– Member

The Department of Foreign Affairs is hereby designated as the Secretariat of the Council for purposes of networking the information package abroad.

The Office of the Press Secretary shall be responsible for putting together the information package.

The Council shall have the following objectives:

- (1) to insure that other nations acquire a better understanding of Filipino values and institutions through the formulation of credible communications strategies;
- (2) that the overseas information program to be formulated by the Council shall explain and interpret accurately and objectively to the international community the objectives and policies of the Philippine government; and
- (3) to cooperate with the private sector in enhancing the quality and reach of the country's overseas information program.

The Council shall formulate the policies and plans for the Overseas Information Program and appropriate communications strategies that will be adopted taking into account existing resources and priorities in each area. The Council shall adopt its own rules and procedures to carry out the Overseas Information Program.

The Council shall establish linkages with other government agencies whose functions and program require an overseas information component. Whenever necessary, the Council may convene technical and other working committees to assist it in the discharge of its functions and engage the services of private sector entities for advice, consultation and appropriate assistance.

The Council shall form an Editorial Board that shall prepare information packages for dissemination. Each member of the Council shall designate a representative to the said editorial board: Provided, That the National Security Director shall be an ex-officio member of the editorial board.

The Council shall advise the President and other concerned officials of the government on the implications of foreign public opinion on the policies of the Philippine government.

The Council shall monitor and counter hostile attempts to distort or frustrate the objectives and policies of the Republic of the Philippines.

The Council shall draw up a consolidated budget plan taking into account the budget of each member agency for their foreign information programs.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 17th day of February, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 116
CREATING AN AD-HOC COMMITTEE TO INVESTIGATE THE ADMINISTRATIVE CHARGES
AGAINST MR. SANTIAGO SIMPAS.

A Committee in the Office of the Solicitor General is hereby created to investigate the administrative charges filed by Mr. Jaime Abolencia, et al., against Santiago Simpas, President, Leyte Institute of Technology, Tacloban City, for various irregularities ranging, among others, from alleged abuse of authority, serious misconduct, oppression, harassment, gross violation of civil service laws, notoriously disgraceful and immoral conduct, ignorance of the law, overpricing of purchases of equipment to payroll padding.

The Committee shall be composed of a Chairman and two (2) members to be designated by the Solicitor General.

For investigation purposes, the Committee is hereby granted all the powers of an investigating body under Sections 71 and 580 of the Revised Administrative Code, including the power to summon witnesses, administer oaths, and take testimony or evidence relevant to the investigation.

The Committee is hereby empowered to call upon any department, bureau, office, agency or instrumentality of the government for such assistance as it may need in the discharge of its functions.

The Committee shall submit its report and recommendation to the President of the Philippines as soon as possible.

DONE in the City of Manila, this 21st day of February, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) **CORAZON C. AQUINO**

By the President:

(Sgd.) **CATALINO MACARAIG, JR.**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 117

CREATING THE PHILIPPINE ADVISORY COMMITTEE FOR THE HOLDING OF THE 2ND
THIRD WORLD ADVERTISING AND MARKETING CONGRESS-MANILA '89 TO BE HELD IN
MANILA ON OCTOBER 23-28, 1989.

WHEREAS, the Department of Tourism and the South Publications (UK) Ltd., in a Joint Declaration signed on February 15, 1988 have agreed “[t]o use their best endeavors in ensuring a well run and well attended ‘2nd Third World Advertising & Marketing Congress’ ” scheduled to be held in Manila on October 23-28, 1989”;

WHEREAS, in that same Joint Declaration, it was also provided that the Philippine Convention and Visitors Corporation “[s]hall lend full technical support to South Publications” “in promoting attendance to this Congress” and that the Philippine Convention and Visitors Corporation “[s]hall also make the necessary co-ordination/liaison with all government agencies concerned, the appointed professional congress organizer, airlines and the local advertising and marketing industry for requirements needed for the congress”;

WHEREAS, the choice of the Philippines as the Congress venue brings honor and prestige to the country;

WHEREAS, it is now incumbent upon the Philippine Government to undertake such preparations as are necessary to promote full participation in the said congress, thus ensuring its success;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby create the Philippine Advisory Committee for the holding of the 2nd Third World Advertising and Marketing Congress-Manila '89, hereinafter referred to as the Committee.

The Chairman of the Committee shall be the Secretary of Tourism, with the following members:

1. Press Secretary, Office of the Press Secretary
2. Undersecretary, DOT Tourism Promotions
3. Executive Director, Philippine Convention & Visitors Corporation
4. Chief Operations Officer, Philippine Airlines
5. Chairman, Philippine Board of Advertising
6. Chairman Emeritus, Asian Federation of Advertising Associations
7. President, Philippine Association of National Advertisers
8. President, Association of Accredited Advertising Agencies of the Philippines
9. President, Kapisanan ng mga Broadcasters ng Pilipinas
10. President, Print Media Organization
11. President, Advertising Suppliers Association of the Philippines
12. President, Board of Airline Representatives
13. Chairman, Sycip, Gorres, Velayo and Company

The Chairman may designate his permanent representative in case of his inability to participate personally in the work of the Committee.

The Committee shall formulate policies and guidelines in connection with the preparation and holding of the said congress.

The Committee is hereby empowered to call upon any government agency, including government-owned or controlled corporations, to lend support to the Committee in its tasks.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 22nd day of February, in the year of Our Lord, Nineteen Hundred and Eighty Nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 118
ADMINISTRATIVE CASE AGAINST CITY FISCAL JESUS TADEO OF GENERAL SANTOS CITY

This refers to the administrative complaint filed by Leon Llido, Sr., and Rodolfo Llido against then City Fiscal Jesus Tadeo of General Santos City (now deceased) for attempted extortion and abuse of authority as investigating and prosecuting fiscal.

Records show that, at the time of the filing of the complaint, complainant Rodolfo (Ditdit) Llido was a detention prisoner for the December 1969 killing of Adan delas Marias in General Santos City, while complainant Leon Llido, Sr., was being sought to be included as co-accused in the De las Marias case.

The complaint alleged that, on several occasions, respondent Tadeo attempted to extort from the Llidos the amount of ₱500,000.00 or a piece of residential lot for and in consideration of dropping the case against Rodolfo Llido by making him a state witness and excluding Leon Llido, Sr., as accused; that respondent, through Ramy Llido, attempted to extort ₱30,000.00 from them; and that respondent abused his power as investigating and prosecuting fiscal when he gave due course to the May 7, 1972 motion for reinvestigation to include Leon Llido, Sr., as accused.

After due investigation, the Secretary of Justice exonerated respondent from the charges of extortion and abuse of authority but found him guilty of gross misconduct for actively participating and exhibiting unusual interest to compromise the criminal case against the Llidos by attending several conferences with them at the Merchants Hotel in Manila and at respondent's residence, despite the established rule that a criminal case cannot be compromised even when the private offended party has agreed, the reason being that the State is the real offended party and the private offended party is only a witness for the State. Accordingly, the Secretary of Justice recommended that respondent's resignation be accepted. He further commented that respondent fiscal does not deserve to continue holding his position which calls for irreproachable honesty and integrity.

On May 17, 1975, respondent died. Although such death, like resignation, now precludes us from dismissing the deceased respondent from the service (see: *People vs. Valenzuela*, L-63950, April 19, 1985; 135 SCRA 712, 718) as such death had separated him from the service (*Hermosa vs. Paraiso*, Adm. Case No. P-189, February 14, 1975; 62 SCRA 361, 362), we shall nonetheless resolve this case to determine whether respondent's heirs may receive retirement gratuity and other accrued benefits (*Hermosa vs. Paraiso*, *supra*) which are to be forfeited if his guilt is duly established (*Idem*).

I concur in the findings and recommendation of the Secretary of Justice that the deceased respondent was not guilty of extortion and abuse of authority, but guilty of gross misconduct. As a city fiscal whose position calls for irreproachable honesty and integrity, the respondent should have been more cautious and prudent in his official acts and duties. His unusual interest to compromise the criminal case against the Llidos by attending several conferences with them in Manila and in his residence despite the established rule that criminal cases cannot be compromised, had adversely affected the integrity of his office and had undermined the administration of justice. For his gross misconduct, respondent is considered resigned with the legal consequences thereof (*Aquino vs. GSIS*, L-24859,

January 31, 1968; 22 SCRA 415, 418-420), effective as of March 6, 1973, the date recommended by the Department of Justice for the acceptance of respondent's resignation which appears to have been filed under Letter of Instructions No. 11 dated September 29, 1972.

WHEREFORE, with the above finding of guilt and clarification, the administrative case is hereby considered terminated and closed.

SO ORDERED.

Manila, Philippines.

March 6, 1989

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 119
DIRECTING THE STRENGTHENING OF THE INTERNAL CONTROL SYSTEMS OF
GOVERNMENT OFFICES, AGENCIES, GOVERNMENT-OWNED OR CONTROLLED
CORPORATIONS AND LOCAL GOVERNMENT UNITS IN THEIR FISCAL OPERATIONS

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Agency Responsibility. – The responsibility for the fiscal operations of offices and agencies of government is hereby declared to reside primarily in the respective Heads of each office, agency, government-owned or controlled corporation, and local government unit. For this purpose, each and every office, agency, corporation and local government unit is mandated to strengthen its internal control system and/or organize systems and procedures to that effect in coordination with the Department of Budget and Management.

SEC. 2. Implementing Rules, Regulations, and Circulars. – The Department of Budget and Management shall coordinate with the Commission on Audit in the organization and strengthening of the internal control systems and procedures.

The Department of Budget and Management shall promulgate the proper and appropriate rules, regulations or circulars to implement this Administrative Order.

SEC. 3. Status Report. – The Department of Budget and Management shall report to the President within six (6) months from the effectivity of this Administrative Order on the status of the mandate herein contained with a listing of any and all government units which have not organized or strengthened their internal control systems. Said report shall likewise indicate those which had organized and/or strengthened the same, with the necessary recommendation for the appropriate measures for effective management accountability and control.

SEC. 4. Effectivity. – This Administrative Order shall take effect immediately.

Done in the City of Manila, this 29th day of March, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 120
DESIGNATING THE SECRETARY OF FOREIGN AFFAIRS OR HIS DULY AUTHORIZED
REPRESENTATIVE AS ADDITIONAL MEMBER OF THE HUMAN RIGHTS COMMITTEE
CREATED UNDER ADMINISTRATIVE ORDER NO. 101, SERIES OF 1988

WHEREAS, there is a need to include the Secretary of Foreign Affairs or his duly authorized representative as additional member of the Human Rights Committee created under ADMINISTRATIVE ORDER NO. 101, Series of 1988, so that the government's human rights policies and programs may be properly presented to the international community;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Section 1 of Administrative Order No. 101, Series of 1988, is hereby amended to read as follows:

SECTION 1. There is hereby created a Human Rights Committee, to be composed of:

The Secretary of Justice as Chairman

The Secretary of Foreign Affairs or his duly authorized representative, Chairman of the Commission on Human Rights, the Presidential Legal Counsel, a representative of the Department of National Defense, a Senator and a Congressman as the Senate President and the Speaker of the House of Representatives may wish to designate and two representatives of private human rights groups to be nominated by said groups and appointed by the President, as Members.

SEC. 2. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 30th day of March, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 121
**AMENDING ADMINISTRATIVE ORDER NO. 58 ENTITLED “RECONSTITUTING THE
CABINET CRISIS COMMITTEE”**

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby amend Administrative Order No. 58 dated February 16, 1988 entitled “Reconstituting The Cabinet Crisis Committee”, by naming Hon. Rafael C. Ileto, National Security Adviser, as Chairman of the said Committee in substitution of Dr. Emanuel V. Soriano.

The Memorandum of the Executive Secretary dated January 28, 1987, as amended by Memorandum Order No. 135 dated November 20, 1987 is hereby revoked.

All orders, issuances and rules and regulations or parts thereof inconsistent with this Administrative Order are hereby modified and/or revoked accordingly.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 30th day of March, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 122

REPRIMANDING AND WARNING AMBASSADOR ROSALINDA DE PERIO-SANTOS AND
SUSTAINING ASSIGNMENT ORDER NO. 58/88 OF THE SECRETARY OF FOREIGN AFFAIRS,
DATED APRIL 27, 1988, RECALLING HER TO THE HOME OFFICE FROM HER POST AS
PERMANENT REPRESENTATIVE TO THE PHILIPPINE MISSION TO THE UNITED NATIONS
AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA

This refers to the administrative case filed by Mr. Armando Maglaque, then Deputy Permanent Representative to the Philippine Mission to the United Nations and other international Organizations (MISUNPHIL) in Geneva, and some MISUNPHIL staff members against respondent Ambassador Rosalinda de Perio-Santos, then MISUNPHIL Permanent Representative, for “incompetence, inefficient, corrupt and dishonest activities, rude and uncouth manners, abusive and high-handed behavior, irregular and highly illegal transactions involving funds of the mission.”

On April 6, 1987, respondent requested permission from the Department of Foreign Affairs (DFA) to spend the Easter Holidays in New York, U.S.A., with her mother, brothers and sisters at no expense to the Government.

Two days later, respondent received DFA telex No. GE-83-87 instructing her to proceed immediately to Havana as a member of the Philippine Delegation to the UNCTAD G-77 Preparatory Conference from April 20 to 26, 1987.

On April 14, 1987, the two (2) tickets earlier reserved and the receipt for the payment thereof (“quittance”) were picked up at the Tourwest Agency by respondent’s housekeeper who later gave them to respondent.

On April 15, 1987, respondent left Geneva for New York en route to Havana. On the same day, the DFA approved her application for leave of absence with pay from April 27 to May 1, 1987.

After the Havana Conference, respondent spent her vacation in New York in accordance with her leave application as approved by the DFA and, thereafter, returned to Geneva.

On May 7, 1987, Cash Voucher No. CA-216/87 was prepared for reimbursement of the cost of one round-trip ticket (Geneva-New York-Geneva) in the amount of SFr. 1,597 (equivalent to ₱22,462) as shown by the receipt attached thereto, with respondent’s certification written thereon and duly signed by her stating that –

“x x x I purchased the said round-trip ticket, which consists of two (2) one-way tickets, one from Geneva to New York and the other from New York to Geneva, as shown in the attached receipt (“quittance”) of payment to the travel agency.” (Underscoring supplied).

Accordingly, the sum of SFr. 1,597 was paid to respondent, per Check No. UBS-4455589 dated May 7, 1987.

On September 16, 1987, the DFA sent a cable (GE-202/87) to MISUNPHIL, Geneva, requesting clarification on “why Mission paid for plane ticket of infant Pia de Perio-Santos (respondent’s daughter) Geneva/New York/Geneva per CV 216/87 when she was not authorized to accompany her adopting mother at government expense.” Respondent, in telex No. ZGE-373-87, replied that the DFA –

“x x x please go over cv-ga-216/87 dated 7 May 1987. amount of sfr 1.597.00 represents cost of two tickets one from geneva to new york the other from new york to geneva each costing sfr 793.50 or usdlers 547.00. cost of lowest regular round-trip fare economy is sfr 2.996.00 or usdlers 2,955.60 at prevailing rate of exchange of sfr 1.4575 to usdlers 1.00 where tickets were purchased. in view travel undertaken during weekend fare discounted which resulted savings of sfr 1,399 or usdlers 959.65 to mission.

“misunphil never paid for trip of ambassador de perio-santos daughter to mexico which was paid from ambassadors personal funds. It seems secforaf deliberately misinformed. end.” (Underscoring supplied.)

On September 21, 1987, the DFA required respondent to refund the amount representing her daughter’s round-trip ticket, since DFA received a copy of the “facture” from the travel agency showing that the amount of SFr. 1,597 was in payment of (a) 1 billet adulte – Geneva/New York/Geneva SFr. 950, and (b) 1 billet enfant – Geneva/New York/Geneva SFr. 637; and that the sum of SFr. 637 represents the amount paid for the ticket of respondent’s daughter Pia de Perio-Santos.

On September 24, 1987, respondent, instead of refunding only the sum of SFr. 637, returned the full amount of SFr. 1,597 for which she was issued Official Receipt No. 253942, dated September 24, 1987.

On October 5, 1987, respondent’s Deputy, Mr. Armando Maglaque, and some MISUNPHIL staff members filed the various administrative charges mentioned at the outset against respondent, which were referred to Ambassador Luis Ascalon for initial investigation.

In a letter of October 8, 1987, respondent explained to the then Minister of Foreign Affairs the circumstances surrounding the purchase and use of the aforementioned tickets and claimed payment for one round-trip economy plane ticket (Geneva-New York-Geneva) in the amount of SFr. 2,996 to which she is entitled under paragraph 2 of the Foreign Service Personnel Manual on “Travel, Per Diems, and Daily Allowance Abroad,” being an official member of the Philippine Delegation to the UNCTAD G-77 Conference in Havana. She submitted the voucher thereof.

On November 23, 1987, DFA recalled respondent for consultation. Thus, she came home on November 29, 1987.

On November 26, 1987, Ambassador Ascalon submitted his findings which, together with the complaints, were referred for preliminary investigation to a 5-man Ad Hoc Investigation Committee under the Chairmanship of Counsellor Victor Garcia III of the Office of the UNIO.

Respondent was likewise charged by Ambassador Eduardo Rosal before the Tanodbayan/Special Prosecutor for Estafa through Falsification of Public Document (TBP Case No. 87-03420) in connection with the payment to her of the sum of SFr. 1,597.00 in reimbursement of the plane tickets that she used in attending the Havana Conference. In a resolution of February 26, 1988, Tanodbayan Special Prosecution Officer III Humilde S. Ferrer recommended the filing of an information against the respondent for estafa through falsification of public document. However, in subsequent resolution of March 7, 1988, prepared by Tanodbayan Special Prosecution Officer III Wilfredo R. Orenca and approved by then Tanodbayan/Special Prosecutor Raul M. Gonzales, the said Ferrer resolution was

disapproved and the case was dismissed for insufficiency of evidence. Motion for reconsideration of the said Orenia-prepared resolution was denied in the Tanodbayan's/Special Prosecutor's resolution of April 4, 1988.

The Ad Hoc Investigation Committee submitted its Memorandum, for the Chairman of the Board of Foreign Service Administration (BFSA), dated March 8, 1988, finding a prima facie case against the respondent for (1) dishonesty; (2) violation of existing rules and regulations; (3) incompetence and inefficiency; and (4) conduct prejudicial to the best interest of the service.

On March 17, 1988, the BFSA constituted a new investigating Committee of five (5) members, which deliberated, discussed and evaluated the evidence presented by the complainants and the answers of respondent who waived her right to formal hearing, per her answer of January 11, 1988, on condition that she be allowed to file a formal memorandum – which she did on February 3, 1988.

The Vice-Chairman (Amb. Pastores) and two members (Atty. Pineda and Amb. Garrido) of the new investigating Committee signed a Memorandum for the BFSA finding respondent liable for misconduct but recommending dismissal of the charges of (1) violation of existing regulations, (2) incompetence and inefficiency, and (3) conduct pre-judicial to the best interest of the service; accordingly, recommended that respondent be reprimanded against a repetition of the act which led to the administrative case against her; and that, since the administrative case had affected her continued assignment in Geneva, respondent be reprimanded and recalled to Manila. One member (Amb. Araque) dissented only with respect to the recommended penalty, as he thought that the penalty should include a six-month suspension. The Chairman (Atty. De Vera) dissented and, therefore, submitted a separate Memorandum, dated April 20, 1988, finding all charges against respondent “to be unmeritorious.”

On April 22, 1988, the BFSA met en banc to consider the aforesaid memorandum-report of the new Investigating Committee. The BFSA, through its Chairman (First Undersecretary of Foreign Affairs Jose D. Ingles) submitted its Memorandum for the Secretary of Foreign Affairs (SFA), dated April 26, 1988, dismissing the charges of (a) violation of existing rules and regulations, (b) incompetency and inefficiency, and (c) conduct prejudicial to the best interest of the service, for lack of merit; but finding respondent liable for misconduct for claiming reimbursement and receiving payment for the full amount of SFr. 1,597 stated in the receipt (“quittance”) that she submitted to support Cash Voucher No. CA-261/87, despite the fact that the amount of SFr. 637 thereof represents the cost of the round trip-ticket of her 10-year old daughter.

On April 27, 1988, the SFA rendered his letter-decision, addressed to the respondent:

“I wish to inform you that upon recommendation of the Board of Foreign Service at its meeting en banc on April 22, 1988, based on the report of the investigating Committee, you have been found guilty of misconduct in connection with your misrepresentation in Cash Voucher No. 216/87, dated 7 May 1987, claiming reimbursement of SFr. 1,597.00 which you certified to be the cost of your round trip ticket Geneva/New York/Geneva.

“The Department by cable dated 16 September 1987 requested clarification why the Philippine Mission in Geneva paid for the plane ticket of your adopted daughter included in Cash Voucher No. 216/87. Your reply cable on the same day reiterated that the tickets for which you claimed reimbursement were for yourself alone and did not include your daughter. The department nevertheless required you to reimburse the amount of SFr. 647 which was the corresponding fare for your adopted daughter as shown by the receipt of the travel agency.

"1	billet adulte	–	Geneva/New York/Geneva	SFr. 950
"1	billet enfant	–	Geneva/New York/Geneva	<u>SFr. 647</u>
				<u>SFr. 1,597"</u>

"Notwithstanding your refund of the amount corresponding to your adopted daughter's fare, the Board found you guilty of the lesser offense of misconduct rather than the offense charged of dishonesty.

"I concur in the finding of the Board of its investigating Committee that you are guilty of misconduct, as well as in the recommended penalty.

"In view thereof, you are hereby reprimanded and warned against a repetition of the act for which you were found guilty. In addition, you are hereby recalled to the Home Office, effective immediately." (Underscoring supplied).

Respondent filed a petition for reconsideration, dated May 16, 1988, which was resolved by the SFA in his resolution of June 1, 1988, as follows:

"This refers to your letter dated 16 May 1988 requesting for reconsideration of our decision finding your client Ambassador De Perio-Santos, guilty of misconduct with penalty of reprimand with a warning, and recall to the Home Office.

"1. Upon review of the records, we find no merit in your allegation that the Investigation Committee designated by the Board of Foreign Administration was illegally constituted. The Civil Service Law as amended as well as the rules and circulars promulgated under said law do not expressly prohibit the designation of a committee to conduct investigation of administrative charges against a public official. On the other hand, the Civil Service Law expressly authorizes the disciplining authority or his authorized representative to conduct administrative investigation for the purpose. The power to conduct administrative investigation can be delegated and such delegation is not contrary to due process. (Hernando vs. Francisco, 17 SCRA 82).

"2. We find no merit at all in your contention that the proceedings of the investigating Committee suffer from legal infirmity on the ground that two of the members of said committee are non-lawyers. We find no provision in the Civil Service law requiring all members of a Board of investigators be lawyers.

"3. We find some merit, however, in your contention that procedural due process was not fully complied with by the Board of Foreign Service Administration in finding her guilty of misconduct of which she was not specifically charged. While it may be said that misconduct may be necessarily included among other charges filed against your client, the fact that misconduct has been enumerated as a separate offense under Section 38 of P.D. 807, we have decided to give your client an opportunity to defend herself of the offense of misconduct. For this purpose, I have ordered the remand of the records of the case of your client, Ambassador Rosalinda de Perio-Santos to the Board of Foreign Service Administration for hearing thereof.

"The issues you have raised on whether your client had fully refunded the airplane fares in question will be considered anew by the Board during the hearing.

“The order of her recall to the home office still stands pending report of the Board of Foreign Service Administration on the investigation.
“Please be guided accordingly.”

Thereafter, respondent’s counsel, in a letter of June 23, 1988, sought the dismissal of the case on the ground that there is no specific charge against respondent for misconduct and, therefore, there is nothing to investigate or hear.

Respondent and her counsel, however, appeared during the June 30, 1988 scheduled hearing where they reiterated their arguments for the dismissal of the case.

On July 11, 1988, the SFA, upon the recommendation of the BFSFA, denied the said respondent’s motion to dismiss and directed the BFSFA “to set the case for hearing to give (respondent) an opportunity to present (her) evidence on misconduct.”

Due to respondent’s refusal to attend the hearing set for the reception of her evidence on the charge of misconduct, the SFA, in his resolution of August 18, 1988, declared his decision of April 27, 1988, as “final and executory, effective immediately” but allowing respondent “to return to (her) post to wind up (her) affairs, including the termination of the lease contract for (her) residence in Geneva, but (she) must return to the Home Office not later than 30 September 1988.”

From this resolution, respondent appealed to this Office, where it is docketed as O.P. Case No. 3903.

At the outset, it is timely to restate the Presidential prerogative on administrative disciplinary proceedings against principal diplomatic officers who are all Presidential appointees, such as respondent. The principal diplomatic officers are Chiefs of Mission (CM) and Foreign Affairs Officers (FAO).

The President, upon recommendation of the SFA, may separate from the service a FAO for legal cause, after hearing before the Board of Foreign Service (BFS) pursuant to Section 1 (b) of Republic Act No. 708, as amended, or the Foreign Service Act. Republic Act No. 708 is silent on disciplinary action against a CM, including respondent. Section 19 of Executive Order No. 239, dated July 24, 1987, reorganizing the Department of Foreign Affairs, restates the rule on FAO. Executive Order No. 239 is also silent on CM cases.

Under the Revised Administrative Code, the President has disciplinary authority over Presidential appointees, including the authority to preventively suspend them (Secs. 64(b) and (c) and 694.) Presidential Decree No. 6, dated September 27, 1972, restated the disciplinary authority of the President over Presidential appointees.

This Office is aware of DFA regulations on administrative disciplinary proceedings against DFA personnel, such Sections 441 to 450 of the Foreign Service Code of 1983 and Ministry Order No. 12-85, dated June 5, 1985. These departmental regulations are, of course, subject to the superior administrative disciplinary authority of the President over Presidential appointees.

Accordingly, I hereby reiterate the established authority of the President to discipline all principal diplomatic officers, upon recommendation of the SFA, after hearing by the BFSFA.

In the Office of the President (proper), conviction of a Presidential appointee, who is administratively charged, is embodied in an Administrative Order signed by the President; while his exoneration is embodied in a Resolution signed by the Executive Secretary “By authority of the President.”

I hereby consider (1) the SFA’s decisions of April 27 and August 18, 1988, as recommendations for the President and (2) respondent’s appeal as her position paper against the SFA decisions consistent with the following ruling:

“Technical rules of court practice, procedure and evidence are not to be applied with rigidity in administrative proceedings, considering the nature of administrative bodies; the character of the duties they are required to perform; the purpose for which they are organized; and the persons who composed them – technical men but not necessarily trained law men.” (Asprec vs. Itchon, L-21685, April 30, 1966, 16 SCRA 921, *syllabus*.)

Respondent contends that the SFA erred in finding her guilty of misconduct because she was never specifically charged of such offense.

This contention is not well-taken. Whatever defect, if there be any, in the proceedings below, the same was cured when the SFA, in a formal letter, required appellant to appear before the BFSa purposely to answer the charge of misconduct. It is, therefore, of no moment that the original complaint did not include the charge of misconduct, since the SFA's letter charging her therefor in itself constitutes a valid complaint for misconduct. It matters not that it was the SFA himself, and not the original complainants, who charged respondent with misconduct, since an administrative complaint can be initiated directly by the SFA in his capacity as Department Head (Sec. 37 (b), PD 807).

Parenthetically, when respondent declined to appear in the hearing scheduled by the BFSa for reception of her evidence on the specific charge for misconduct, she thereby effectively waived her rights to be heard. Consequently, she cannot now claim that she was denied of due process. It is settled that where counsel and client have chosen to shy away from a scheduled trial without cause or reason or excuse at all, the client has forfeited his right to be heard in his defense (Asprec vs. Itchon, *supra*, pp. 924-925.).

The principal issue herein is whether respondent's act of claiming and receiving reimbursement for the discounted round-trip tickets (Geneva-New York-Geneva), which includes the fare of an infant, per Cash Voucher No. CA-216/87 and attachments, constitutes a punishable administrative offense denominated as either dishonesty as originally charged, or misconduct as later charged.

Respondent herself accepts the definition of “dishonesty” in former Civil Service Commissioner Abelardo Subido's Disciplinary Rules and Procedures in the Philippines Civil Service (1976 Ed., pp. 41-42) “as absence of integrity; a disposition to betray, cheat, deceive or defraud; bad faith.” (Citing Arca vs. Lepanto Consolidated Mining Company, CA G.R. 17679-R, Nov. 24, 1956, citing 27 C.J.S. 47.) For, indeed, “dishonesty” means “a disposition to lie, cheat or defraud; untrustworthiness; lack of integrity” (State ex. rel. Neal v. Civil Service Commission, 72 N.E. 2d 69, 71, 147 Ohio St. 430) and “signifies an intentional violation of the truth” (Godfrey vs. Godfrey v. Godfrey, 106 N.W. 814, 819, 127 Wis. 47, 7 Ano. Cas. 176); and is synonymous to “fraud” (Ex parte Drayton, 153 F. 986, 991), so that “whatever is dishonest is fraudulent in foro conscientiae” (Idem.). Its meaning –

“extends beyond acts which would be criminal and is not restricted to such conduct as imports a criminal offense; and it has been specifically defined as an absence of integrity, a disposition to betray, cheat, deceive, defraud, or deceive; bad faith, course of conduct generally characterized as lacking in principle, a disposition to defraud, deceive or betray; faithlessness, want of integrity in principle, or of fairness and straightforwardness; fraud. It may consist in an intentional violation of the truth, or any deviation from probity.” (27 C.J.S., Dishonesty, p. 312).

On the other hand, misconduct involves a violation or a deviation from a fixed duty or definite rule of conduct, such as misfeasance, malfeasance, or mismanagement. (58 C.J.S., Misconduct, pp. 817-819). So it affects (a public officer's) performance of his duties as an officer and not as such only

as affects his character as a private individual – (Lacson vs. Roque, L-6225, Jan. 10, 1953; 92 Pjil., 456, 465). Performance of duties necessarily affects an officer's functions or service or relations to the public, not to relations between the officer and the government, such as when the officer claims for reimbursement of her transportation expenses incurred during official mission, as in this case.

The facts on record are clear. Respondent requested, on May 7, 1987, reimbursement under Cash Voucher No. CA-216/87 of the cost of one (1) round trip ticket (Geneva/New York-Geneva) in the amount of SFr. 1,597 as shown by an attached receipt ("quittance") from the Tourwest Agency. She certified that she "purchased the said round trip ticket, which consists of two (2) one-way tickets, one from Geneva to New York and the other from New York to Geneva, as shown in the attached receipt ("quittance") of payment to the travel agency." Hence, she was reimbursed, per Check No. UBS-4455589 dated May 7, 1987.

Respondent's certification is not true factually. She purchased two (2) discounted round-trip tickets for Geneva/New York-Geneva, not two (2) discounted one-way tickets for Geneva/New York and New York/Geneva, per the "facture" from the travel agency showing the two (2) billets: 1 billet adult (Geneva/New York/Geneva) and 1 billet enfant (Geneva/New York/Geneva).

The fact that an assertion is at war with the truth does not connote the idea that it was intentionally made because, conceivably, situations may exist which could bring up that assertion to the level of one given in good faith and, therefore, an inquiry should be made to determine the evidence proving that the false assertion was intentionally made. (Abaya vs. Villegas, L-25641, Dec. 17, 1966, 18 SCRA 1034, 1039.)

Precisely, the DFA requested clarification from respondent, per cable GE-202/87 of September 16, 1987, on why the Geneva Mission paid for the plane ticket of infant Pia de Perio-Santos. Respondent's answer, per telex ZGE-373-87, is revealing. Adding two (2) untrue allegations, respondent insisted that the "amount of SFr. 1,597 represents cost of two tickets one from Geneva to New York the other from New York to Geneva each costing SFr. 793.50" and that the Geneva Mission "never paid for trip of ambassador de perio-santos daughter to mexico which was paid from ambassador's personal funds." The "facture" from the travel agency showed the following cost of each of the two (1) round trip tickets (Geneva/New York/Geneva) – SFr. 950 for billet adult and SFr. 637 for billet infant.

While respondent advanced the money for the ticket of her daughter, she later claimed and received reimbursement for the amount of SFr. 1,597 reflected in the "quittance" from the travel agency, which included the cost of billet infant for SFr. 637, the cost of the discounted round-trip ticket (Geneva/New York/Geneva) of her daughter. The assertion that the Geneva Mission "never paid" for the billet infant is not true.

In submitting Cash Voucher No. CA-216/87, respondent did not attach (a) Facture No. 87/2996 addressed by the travel agency to respondent, which showed two (2) billets (Geneva/New York/Geneva) of 1 adult billet for SFr. 950, 1 billet infant (Geneva/New York/Geneva) for SFr. 637 and Taxes Aeroport for SFr. 10; and (b) the used tickets for the Geneva/New York/Geneva trip. Instead, she submitted (a) the "quittance" for SFr. 1,597 from the travel agency and (b) her own certification that varied the truth.

When confronted by the facts, respondent did not simply comply with the DFA request of September 16, 1987, for her to refund the reimbursed air fare (SFr. 637) of her daughter but refunded, on September 24, 1987, the entire reimbursed amount of SFr. 1,597 and asked for reimbursement, on October 8, 1987, of the amount of SFr. 2,996 as the economy air fare for herself for the Havana Conference. Respondent merely exacerbated her situation because reimbursement is for actual (SFr. 950 plus taxes aeroport), not probable (SFr. 2996), expenses. Savings in operational expenditures accrue to the government, not to the public officer, under Accounting and Auditing Rules and Regulations.

I find that respondent twice committed intentional misrepresentation of facts, namely: (a) when she claimed and received reimbursement, per Cash Voucher No. CA-216/87 and attachments, and (b) when she made her clarification in her telex ZGE-373-87. The attendant circumstances of the case support the conclusion that respondent did know that (a) the “quittance” represented the cost of two (2) round-trip tickets (Geneva/New York/Geneva) for herself and her daughter, not two (2) discounted one-trip tickets (Geneva/New York/Geneva) for herself alone; (b) she used two (2) billets for herself and her daughter for Geneva/New York/Geneva round-trip; and (c) the “facture” correctly represented her actual air travel expenses, all known by her at the time when she submitted her Cash Voucher No. CA-216/87 and/or her “clarification.”

Considering all circumstances, respondent’s intentional misrepresentation may be viewed as dishonesty: “absence of integrity; a disposition to betray, cheat, deceive; bad faith;” “a disposition to lie, cheat or defraud; untrustworthiness; lack of integrity;” or “an intentional violation of the truth.” Accordingly, I hereby find respondent liable for dishonesty.

As to the appropriate penalty, I am disposed to be lenient. First, the economy fare would have been SFr. 2,996; hence, respondent effected savings for the government in the amount of SFr. 1,399. To be fair, respondent is entitled to be reimbursed in the amount of SFr. 950 plus taxes aeroport. Second, in her desire to bring along her daughter to New York, respondent wrongfully intended to charge the government for her daughter’s fare upon the notion or impression that the government would even pay less had she taken the economy fare for herself as allowed by DFA rules and regulations. I consider the foregoing as mitigating circumstances in her favor. In addition, the refund made by respondent may be considered as a mitigating circumstance and, considering also her long length of government service since July 16, 1956, the penalty imposed in the SFA decision of April 27, 1988, may fairly be adopted.

I have also considered the Resolutions of the Tanodbayan/Special Prosecutor on March 7 and April 4, 1988, dismissing the charge of estafa through falsification of public document against respondent due to insufficiency of evidence. These resolutions do not make respondent less dishonest, nor free her from any administrative liability. A perusal of said two resolutions clearly illustrates that the matter therein treated, and disposed of, was the criminal aspect of the case, specifically the crime of estafa thru falsification of public document. And it is settled that an administrative disciplinary action “is entirely distinct and separate from the criminal action” (People vs. Anino, L-25997, May 25, 1968, 23 SCRA 870, 874).

Moreover, the Tanodbayan/Special Prosecutor is not the proper disciplining authority over respondent and, therefore, his resolutions have no binding or preclusive effect on the instant administrative case against the respondent, nor prevent the proper disciplining authority from rendering his decision on this case.

Finally, the SFA decision of April 27, 1988 seems to have imposed upon the respondent her recall as an additional penalty. It is to be pointed out in this connection that respondent’s recall can be made by the President directly or through her alter ego the SFA, at any time for loss of trust and confidence. As a matter of fact, the SFA found necessity of issuing, on the same day he rendered said decision (April 27, 1988), Assignment Order No. 58/88 recalling respondent to the Home Office.

This is so because ambassadors, like respondent, are mere “agents” of the President (United States v. CurtissWright Export Corp., 299 US 304) since the President alone has the power to represent the country (See: Antieau, Modern Constitutional Law, Vol. II, Sec. 13:14, p. 563) or is “the sole organ” of the government in the field of international relations (United States vs. CurtissWright Export Corp., supra), and the only channel of communications between his country and foreign nations or the only legitimate organ of the government to open and carry on correspondence or negotiations with foreign nations, in matters concerning the interests of the country or of its citizens (Antieau, supra, Sec.

13:42, pp. 564-565). The provision of sub-section (c) [(3) A.ii] of Section 449 of the Foreign Service Regulations of 1983 stating that –

“ii No chief of mission, counselor or foreign service officer shall be allowed to serve more than two consecutive tours of duty abroad. Any such officer who completes two consecutive tours of duty abroad or a total of eight (8) years shall be required to serve in the home office for at least two years before he becomes eligible again for a foreign assignment. In no case shall he serve more than one tour of duty in the same post.”
(Underscoring supplied).

cannot be construed as prohibiting the recall of chiefs of mission like the respondent, before the completion of their tour of duty. The prohibition in said section is directed against a long stay abroad of chiefs of mission, among others, but not against their short stint abroad nor against their recall before the completion of their tour of duty. A contrary construction would not only negate or defeat the nature of their position as mere “agents” of the President but also allow them, particularly those who have lost the President’s trust and confidence, to undermine the foreign policy adopted by the President as the sole organ of the government in the field of international relations.

WHEREFORE, respondent Ambassador ROSALINDA DE PERIO-SANTOS is hereby found guilty of dishonesty and is accordingly, after appreciating in her favor the above mitigating circumstances, meted the penalty of reprimand with a warning that a repetition of the same or similar offense will be dealt with more severely, effective immediately.

Assignment Order No. 58/88 issued by the Secretary of Foreign Affairs on April 27, 1988, recalling to the home office said respondent as Permanent Representative to the Philippine Mission to the United Nations and other International Organizations in Geneva, is hereby sustained independently of the foregoing administrative finding, as a valid exercise of the President’s inherent power to recall ambassadors as the exigencies of the service may from time to time require.

DONE in the City of Manila, this 30th day of March, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 123
CONSTITUTING THE SCIENCE AND TECHNOLOGY COORDINATING COUNCIL

WHEREAS, a coordinating council composed of members from among the various departments, the academe and the private sector concerned with the development of science and technology will ensure the effective implementation of the report submitted by the Presidential Task Force on Science and Technology;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There is hereby constituted the Science and Technology Coordinating Council, hereinafter referred to as the Council, composed of the following:

Chairman	–	Secretary of Science and Technology
Vice-Chairmen	–	one representative of the private sector one representative of the academe
Members	–	Secretary of Agriculture Secretary of Environment and Natural Resources Secretary of Trade and Industry Secretary of Education, Culture and Sports Secretary of Transportation and Communications two representatives from the private sector

Upon recommendation of the Secretary of Science and Technology, the President shall designate the Vice-Chairmen and the representatives of the academe and the private sector who shall serve for a period of one year or until their successors shall have been designated.

The Council shall meet at least every quarter or as often as may be necessary upon call of the Chairman.

SECTION 2. The Council shall:

- a. recommend appropriate systems and procedures for the effective implementation of the report of the Presidential Task Force on Science and Technology, hereinafter referred to as the Task Force;
- b. coordinate the science and technology activities of departments, agencies, private sector organizations and the academe to accelerate science and technology utilization in accordance with the report of the Task Force;
- c. monitor the implementation of the recommendations of the Task Force and the results thereof;
- d. recommend measures to update, revise and enhance the Science and Technology Plan based on the report of the Task Force;

- e. recommend mechanisms, structures, and measures to link technology sources, intermediaries and users to hasten transfer of technology, develop the countryside, attain high productivity and increase export potential;
- f. constitute national, regional, sectoral and other sub-committees as may be necessary; and,
- g. perform such other functions as may be assigned by the President.

SECTION 3. The Department of Science and Technology and its councils shall provide staff and technical support secretariat to the Council.

SECTION 4. The Council may call upon any department, bureau, office, agency or instrumentality of the government including government owned or controlled corporations for assistance, including the provision on detail of its personnel or employees.

SECTION 5. The Department of Science and Technology shall set aside from its authorized appropriations such sums as may be necessary to support the activities of the Council.

SECTION 6. The Council shall submit quarterly reports to the President and such other reports that may be required from time to time.

SECTION 7. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 4th day of April, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). [*Administrative Order Nos.: 1 - 150*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 124
CREATING A NATIONAL COMMITTEE TO TAKE CHARGE OF THE CELEBRATION OF
PHILIPPINE INDEPENDENCE DAY ON JUNE 12, 1989

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Republic of the Philippines, do hereby create a National Committee, hereinafter referred to as the Committee, to take charge of the celebration of Philippine Independence Day on June 12, 1989.

The Committee shall be composed of the following:

HONORABLE LUIS T. SANTOS Secretary of Local Government	– Chairman
HONORABLE GUILLERMO CARAGUE Secretary of Budget and Management	– Vice-Chairman
HONORABLE MANUEL YAN Undersecretary of Foreign Affairs	– Member
HONORABLE DANTE BARBOSA Undersecretary of Agriculture	– Member
HONORABLE TEODORO ENCARNACION Undersecretary of Public Works and Highways	– Member
HONORABLE MINDA SUTARIA Undersecretary of Education, Culture and Sports	– Member
HONORABLE RICARDO CASTRO Undersecretary of Labor and Employment	– Member
HONORABLE LEONARDO QUISUMBING Undersecretary of National Defense	– Member
HONORABLE JESLI LAPUS Undersecretary of Agrarian Reform	– Member
HONORABLE NARZALINA LIM Undersecretary of Tourism	– Member
HONORABLE ARTURO C. MOJICA Undersecretary of Transportation and Communications	– Member
HONORABLE FELIX BAUTISTA Deputy Press Secretary	– Member
HONORABLE DIMASANGCAY D. PUNDATO Executive Director of the Office of Muslim Affairs	– Member
HONORABLE SERGIO A. BARRERA Chief of Presidential Protocol	– Member
HONORABLE LETICIA MOISES Assistant Secretary of Social Welfare and Development	– Member
HONORABLE ELFREN CRUZ Governor of Metro Manila	– Member

HONORABLE GEMILIANO LOPEZ, JR. Mayor of Manila	– Member
HONORABLE SERAFIN QUIASON, JR. Chairman of the National Historical Institute	– Member
HONORABLE JOSEPHINE C. REYES President of the Philippine Association of Colleges and Universities	– Member

The Committee shall meet at the call of the Chairman and for purposes of discharging its functions, it may create such sub-committees as may be necessary.

The Committee is hereby authorized to call upon any department, bureau, office or agency or instrumentality of the government including government-owned or controlled corporations, for such assistance as it may need in the discharge of its functions.

Done in the City of Manila, this 12th day of April, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 125
EXPANDING THE COMPOSITION OF THE SCIENCE AND TECHNOLOGY
COORDINATING COUNCIL

WHEREAS, the constitution of the Science and Technology Coordinating Council under Administrative Order No. 123, S. of 1989, has generated support and cooperation from the other departments;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The following are hereby designated members of the Science and Technology Coordinating Council constituted under Administrative Order No. 123, S. of 1989:

Secretary of Foreign Affairs
Secretary of National Defense
Secretary of Health

SECTION 2. This Administrative Order shall take effect immediately.

DONE in the City of Manila this 21st day of April, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 126
AMENDING SECTION 2 OF ADMINISTRATIVE ORDER NO. 36, DATED SEPTEMBER
23, 1987, PROVIDING FOR THE ESTABLISHMENT OF REGIONAL OFFICES IN THE
CORDILLERA ADMINISTRATIVE REGION.

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby amend Section 2 of ADMINISTRATIVE ORDER NO. 36, dated September 23, 1987, providing for the establishment of regional offices in the Cordillera Administrative Region, to read as follows:

“SECTION 2. Appointment of Regional Offices’ Personnel. The Regional Directors shall be appointed immediately to facilitate the organization of the regional offices. In keeping with the spirit and intent of E.O. 220, preference shall be given to qualified Cordillerans in the appointment of the regional directors and their staff. The following constitutes the definition of Cordilleran:

“a. Those whose fathers or mothers are members of indigenous cultural communities of the region.

“b. Those citizens and their children whose fathers or mothers are recognized to be indigenous in the region.

“c. Those filipinos and their children who trace their ancestry outside the region but shall have completed two years of residency in the region at the time of his/her appointment, and are registered voters and taxpayers, and if of age shall have been registered voters and taxpayers in the region.

“d. Those who continue to reside or reside in the Cordillera for at least two years and if of age, register as voters and are taxpayers in the region.

“e. Those who, in their minor years, are adopted by Cordillera in accordance with customary law or civil law.

“f. Those who get married to Cordillerans.”

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 8th day of May, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 127

**CREATING A FACT-FINDING COMMITTEE WITH PLENARY POWERS TO INVESTIGATE
AND DETERMINE ALL THE FACTS AND CIRCUMSTANCES REGARDING THE
VOLUNTARY OFFER TO SELL THE GARCHITORENA LAND IN CAMARINES SUR AND THE
PROCEEDINGS RELATIVE THERETO UNDER THE AGRARIAN REFORM PROGRAM**

There is hereby created a FACT-FINDING COMMITTEE (hereinafter referred to as the Committee) for the purpose of investigating and determining all the facts and circumstances regarding the voluntary offer to sell the Garchitorena land in Camarines Sur and the proceedings relative thereto under the Agrarian Reform Program. The Committee shall be composed of:

JOSE Y. FERIA	Chairman
Retired Justice of the Supreme Court	
NESTOR B. ALAMPAY	Member
Retired Justice of the Supreme Court	
LEON M. GARCIA, JR.	Member
President of the Integrated Bar of the Philippines	

For the purpose of investigation, the Committee is hereby granted all the powers of an investigating body under Sections 71 and 580 of the Revised Administrative Code, including the power to summon witnesses, administer oaths, take testimony or evidence relevant to the investigation, and to obtain compulsory powers to produce documents, books, records and such other matters in the performance of its functions.

The Deputy Executive Secretary shall establish a Secretariat for the technical and staff support of the Committee. For this purpose, he is hereby authorized to detail any personnel from any government office to assist the Committee.

All the departments, bureaus, offices, agencies or instrumentalities including government owned or controlled corporations are hereby directed to extend such assistance and cooperation as the Committee may need in the discharge of its functions.

The Committee shall submit its findings and recommendations to the President of the Philippines.

DONE in the City of Manila this 26th day of May, in the year of Our Lord, nineteen hundred and eighty nine.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 128

PROVIDING FOR AN INTEGRATED ADMINISTRATIVE MECHANISM WITHIN THE NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY FOR UNDERTAKING THE VARIOUS ASPECTS OF OFFICIAL DEVELOPMENT ASSISTANCE TO THE PHILIPPINES

WHEREAS, foreign capital assistance serves as an important input in the country's development effort;

WHEREAS, it is imperative that the resources derived from official development assistance (ODA) be managed efficiently and effectively to ensure maximum benefits therefrom;

WHEREAS, there is need to establish an integrated administrative mechanism within the National Economic and Development Authority for undertaking the various aspects of the official development assistance (ODA) including programming, coordination of program and project development and of negotiation for foreign assistance, monitoring of and where necessary, the supervision of project implementation in accordance with the policies set by the National Economic and Development Authority Board;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There shall be a Committee on Official Development Assistance, hereinafter referred to as the Committee, in the National Economic and Development Authority, which is hereby authorized to undertake the various aspects of the official development assistance (ODA) including programming, coordination of program and project development and of negotiation for foreign assistance, and monitoring of and where necessary, supervision of the project implementation, all in accordance with the policies set by the National Economic and Development Authority Board (NEDA Board).

For this purpose, the Committee shall be composed of as follows:

Chairman	: Chairman of the Coordinating Council on the Philippine Assistance Program
Members	: The Secretary of Foreign Affairs
	The Secretary of Finance
	The Secretary of Justice
	The Secretary of Agriculture
	The Secretary of Public Works and Highways
	The Secretary of Trade and Industry
	The Executive Secretary
	The Secretary of Budget and Management
	The Secretary of Socio-Economic Planning
	The Secretary of Agrarian Reform
	The Cabinet Secretary
	The Governor of Central Bank

SECTION 2. The Committee shall be the focal point for undertaking and/or coordinating the handling of ODA, and shall serve as a forum where the public and private sector, particularly

non-government organizations (NGOs), can actively interface in project identification and development. Its functional framework shall be basically project-oriented, viz.:

- (a) Programming Responsibility. – Assume responsibility for the annual programming of ODA and for the release of ODA funds including counterpart funds in accordance with the policies set by the NEDA Board and existing laws.
- (b) Project Development. – Precipitate, provide guidance and information to, and assist as necessary the implementing agencies in the preparation of program and project proposals for foreign assistance.

While the implementing agencies shall have basic responsibility for program and project development, including preliminary engineering and feasibility studies, the Committee shall be responsible for evaluation and approval of program and project proposals in accordance with the policies set by the NEDA Board.

- (c) Negotiations. – Coordinate the conduct of negotiations for ODA with foreign sources in close collaboration with the concerned agencies.

The Committee shall look for new and expanded sources of foreign assistance for funding particular programs and projects.

- (d) Project Implementation. – Coordinate, facilitate and monitor the implementation of foreign-assisted programs and projects which shall be the basic responsibility of the implementing agencies.

Subject to the approval of the President and as may be authorized by the NEDA Board, the Committee may cause the implementation of projects and programs by organizing management teams for the purpose where necessary in accordance with existing laws.

SECTION 3. The Committee is hereby authorized to call upon any department, bureau, office, agency or any instrumentality of the government, including government owned or controlled corporations, particularly the Office of the President, Department of Finance, Central Bank, Department of Trade and Industry, NEDA Secretariat and Department of Public Works and Highways for assistance, such as detail of personnel, as it may need in discharging its duties and functions.

SECTION 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 23rd day of June, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 129
DISMISSING FROM THE SERVICE ELISEO C. FALLAR, ASSISTANT CITY FISCAL, OFFICE OF
THE CITY FISCAL OF MANILA.

This refers to the administrative complaints against Assistant City Fiscal Eliseo C. Fallar of Manila for (1) public misbehavior committed in the courtroom of the Regional Trial Court, Branch 35, Manila, presided by Judge Ramon P. Makasiar, on December 2, 1987; (2) serious irregularity in the performance of official duty for dismissing an estafa case; and (3) unwarranted actuations towards the members of the Western Police District (WPD).

The first case involving public misbehavior took place as follows:

“When the above-entitled case (Criminal Case No. 87-56733, The People of the Philippines vs. Bruderick Dinglasan) was called for the initial reception of the prosecution’s evidence on December 2, 1987, at about 8:30 o’clock in the morning, more or less, Fiscal Fallar manifested in open court that the prosecution was ready, but he requested for thirty (30) minutes to enable him to confer with his witnesses, who were in court. The Court granted his request.

“Subsequently, Fiscal Fallar asked the Branch Clerk of Court, Atty. Alice Castañeda-Gutierrez, to request the Court for a resetting, which the latter did. The Court, however, denied the request on account of the earlier manifestation, placed on the record, that the prosecution was ready, apart from the fact that the prosecution witnesses were present in court and ready to testify.

“When Atty. Gutierrez informed Fiscal Fallar of the reaction of the Court to his request, Fiscal Fallar successively banged his eyeglasses, the copy of the transcripts that he was at the time reading, and his pack of cigarettes, on the attorney’s table, shouting at the same time, ‘ayoko, ayokong mag-trial.’ Forthwith, the Branch Clerk of Court advised Fiscal Fallar, to talk with the Judge, but Fiscal Fallar, said ‘Ayoko, ayoko’, and hurriedly left the courtroom.

“Upon resumption of the court session at around 9:15 o’clock the same morning and this case was called for hearing, only the court personnel, the defense counsel, the prosecution witnesses and the accused were present. Fiscal Fallar did not appear anymore, for which reason, the court was constrained to reset the initial reception of the prosecution’s evidence.”

When asked to explain, respondent fiscal stated that, upon being informed that his request was denied and anticipating that the Judge will force him to proceed with the trial, he left the courtroom against the advice of the Branch Clerk of Court and that his actuation was prompted by sheer frustration for not having been given the opportunity to study the case thoroughly and thereby present a good case for decision.

The Secretary of Justice found respondent's actuation unbecoming of a lawyer and prosecutor. He said:

“ x x x He (Fiscal Fallar) is considered an officer of the Court and as such, it is his duty to uphold its dignity and authority by obeying all its lawful orders and rulings. He should be more circumspect in his language, and should show respect to the court by refraining from unnecessary gestures and unwarranted display of passion. Fiscal Fallar's frustration over a denied request for a resetting of the case does not justify his outburst of emotion.”

Anent the second administrative complaint levelled against respondent by Lydia Amor Isip and Mora Linda Isip for irregularity in the performance of official duty for dismissing an estafa case (I.S. No. 87-10697) involving the total amount of ₱88,900.00, which they filed against Dr. Corazon Igna Dizon, allegedly on the basis of their withdrawal of the complaint and desistance noted on the face of the “Memo of Preliminary Investigation,” the Secretary of Justice found as follows:

“There is indubitable proof of intercalation on the complaint sheet and that complainants did not consent to the dismissal of their complaint for estafa.

“Firstly, complainants who do not appear to be unlettered could have easily understood the import and consequence of the withdrawal of their complaint if such were written on the document before they signed it. It appears that on May 20, 1987, after the scheduled hearing before Fiscal Fallar, they were accompanied by Atty. Peleo to another fiscal before whom they subscribed their joint affidavit-complaint for estafa. On the same day, a similar complaint (I.S. No. 87-12190) signed by Atty. Peleo was filed but was dismissed on July 30, 1987 for failure to prosecute. I.S. No. 87-10697 which was dismissed by Fiscal Fallar has been revived and is now undergoing further preliminary investigation. These facts show that complainants are serious and determined in pursuing their complaint and recovering from Dr. Dizon, who never appeared at the investigation, the amount of ₱88,900.00 which they allegedly gave to her for their passports, visas and plane tickets to the USA.

“Secondly, the dismissal of the criminal case by Fiscal Fallar on the basis of the notations on the complaint sheet appears to be irregular. It shows on its face that two counsels, namely Attys. Peleo and Simbulan appeared for the complainants on May 13, 1987 as shown by their signatures thereon although complainants refer only to Atty. Peleo as their counsel. They claim that when they signed the complaint sheet it was made in the presence and at the instance of both Atty. Peleo and Fiscal Fallar (t.s.n. pp. 18 and 19, Dec. 10, 1987). Fiscal Fallar knows very well that the proper procedure whenever a complainant withdraws his complaint or desists from further pursuing the complaint is to require at least an affidavit of desistance. He could have easily asked complainants who were always with their counsel to submit an affidavit of **desistance** or **he could** have requested them to personally write down their decision of withdrawing their complaint. His dismissal of the complaint solely on his notation of “Dismiss thru desistance of complainant” has no basis at all especially in the light of the instant

administrative complaint against him. Fiscal Fallar's irregular disposition of the case has resulted in undue delay in the administration of justice."

Finally, the third case brought against respondent fiscal was an offshoot of the report, dated March 4, 1988, of P/Maj. Robert Barbers, Cmdr., Chinatown Substation, WPD, relative to the alleged "unwarranted actuations" of respondent fiscal "towards the members of said station." The report was referred by P/Gen. Alfredo S. Lim, INP Superintendent to City Fiscal Luis Victor.

Records show that the spouses Antonio and Irene Ong were both arrested by members of the WPD Chinatown Substation for estafa involving the sum of ₱42,400.00. On February 25, 1988, at about 2:00 o'clock in the afternoon, respondent fiscal went to the said substation and demanded the immediate release of the above-named spouses. Police Officer Pat. Cecilio Lopez refused to comply. The respondent became mad and threatened him (Lopez) with public prosecution for arbitrary detention. Sensing that no amount of pressure or threat could make Pat. Lopez yield to his demand, respondent offered him the amount of ₱2,000.00 in the presence of P/Sgt. Pete Angulo, Asst. OIC, Investigation Unit, said substation, for the release of the spouses Ong. Pat. Lopez turned down the offer and angered thereby, respondent again threatened the former.

At 6:00 p.m. of the same day, respondent again confronted Pat. Lopez regarding the release of the Ongs. Pat Lopez refused. Respondent then left saying:

"Kahit mayroong pending fresh case and mga iyan, bukas, aabangan ko ang asuntong ipa-file mo at ako mismo ang gagawa ng paraan upang sila ay ma release."

Indeed, respondent brought to the said station an order for the release of the Ong couple.

In P/Maj. Barbers' report, dated March 4, 1988, he emphatically stated that "the unwarranted actuations" of respondent were "clear indication that the said public prosecutor surprisingly favored the transgressors of the law and ignored the interest of the aggrieved parties who sought police action to help them obtain justice and equity."

On March 18, 1988, respondent fiscal was directed by the Department of Justice to answer the charges of P/Maj. Barbers. Respondent did not heed the directive, despite a tracer sent to him on September 29, 1988, giving him five (5) days from receipt thereof to submit his answer.

In his memorandum of October 26, 1988, the Secretary of Justice said:

"We believe Fiscal Fallar failed to conduct and comport himself in a manner be-fitting a public prosecutor. He has displayed acts prejudicial to the best interest of the service and has provided enough reason for the public to doubt his integrity.

"The National Prosecution Service exacts the highest degree of care and prudence from public prosecutors in dealing with party litigants as the nature of their functions is such that they easily arouse public suspicion and distrust whenever they commit the slightest irregularity in the discharge of their duties. A public prosecutor's worth is being constantly measured and evaluated in the light of his varying and day-to-day actuations."

He thus recommended that:

“In view of the fact that Fiscal Eliseo C. Fallar has been repeatedly charged and our evaluation of the complaints shows that sufficient evidence are present to support a finding that he is guilty in all three charges, it is recommended that he be dismissed from the service.”

After a careful review of the case, I concur in the findings, observations and recommendation of the Secretary of Justice. The chain of administrative charges filed against respondent fiscal does not speak well of his character. He is, therefore, unfit to remain in the government service. His continuance in office will pose a grave danger to the good name of the public service. It need not be stressed that a public office is a position of trust and that public service demands of every government officer or employee, no matter how lowly his position may be, the highest degree of integrity, honesty, morality and efficiency.

WHEREFORE, and upon recommendation of the Secretary of Justice, respondent Assistant City Fiscal Eliseo C. Fallar, Office of the City Fiscal, City of Manila, is hereby dismissed from the service, effective upon receipt of a copy hereof.

Done in the City of Manila, Philippines, this day of 1st in the August, year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO C. MACARAIG

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 130

CREATING A FACT-FINDING COMMITTEE WITH PLENARY POWERS TO INVESTIGATE AND DETERMINE ALL THE FACTS AND CIRCUMSTANCES REGARDING THE ALLEGED PROLIFERATION OF ILLEGAL GAMBLING IN THE BICOL REGION, AND THE ALLEGED INVOLVEMENT OF MILITARY AND CIVILIAN OFFICIALS THEREIN, SUBJECT MATTER OF THE PRIVILEGE SPEECH OF SENATOR ERNESTO MACEDA ON SEPTEMBER 1, 1989

There is hereby created a FACT-FINDING COMMITTEE (hereinafter referred to as the Committee) for the purpose of investigating and determining all the facts and circumstances regarding the alleged proliferation of illegal gambling in the Bicol Region, and the alleged involvement of military and civilian officials therein, subject matter of the privilege speech of Senator Ernesto Maceda on September 1, 1989.

The Committee shall be composed of:

Secretary Sedfrey A. Ordonez	Chairman
Department of Justice	
Deputy Executive Secretary Magdangal B. Elma	Member
Office of the President	
Undersecretary Leonardo Quisumbing	Member
Department of National Defense	

For the purpose of the investigation, the Committee is hereby granted all the powers of an investigating body under Sections 71 and 580 of the Revised Administrative Code, including the power to summon witnesses, administer oaths, take testimony or evidence relevant to the investigation, and to obtain compulsory processes to produce documents, books, records and such other matters in the performance of its functions.

The Committee may wish to invite Senator Ernesto Maceda and his alleged informants who, in the interest of justice, should welcome the opportunity to substantiate the allegations in his privilege speech.

The Deputy Executive Secretary shall establish a Secretariat for the technical and staff support of the Committee. For this purpose, he is hereby authorized to detail any personnel from any government office to assist the Committee.

All the departments, bureaus, offices, agencies or instrumentalities including government owned or controlled corporations are hereby directed to extend such assistance and cooperation as the Committee may need in the discharge of its functions.

The Committee shall submit its findings and recommendations to the President of the Philippines.

DONE in the City of Manila this 5th day of September, in the year of Our Lord, nineteen hundred and eighty nine.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 131

DESIGNATING THE NATIONAL BUREAU OF INVESTIGATION AS THE LEAD AGENCY
IN THE INVESTIGATION OF ALL THE FACTS AND CIRCUMSTANCES REGARDING THE
ALLEGED UNLAWFUL IMPORTATION OF THE FIREARMS AND AMMUNITION SEIZED ON
SEPTEMBER 5, 1989 AT THE NINYO AQUINO INTERNATIONAL AIRPORT

The National Bureau of Investigation (hereinafter referred to as the Bureau) is hereby designated as the lead agency in the investigation of all the facts and circumstances regarding the alleged unlawful importation of the firearms and ammunition seized on September 5, 1989 at the Ninoy Aquino International Airport.

All the departments, bureaus, offices, agencies or instrumentalities including government owned or controlled corporations are hereby directed to extend such assistance and cooperation as the Bureau may need in the discharge of its functions. For this purpose, the Bureau is hereby authorized to detail any personnel from any government office to assist in the investigation.

The Bureau shall submit its findings and recommendations to the President of the Philippines.

DONE in the City of Manila this 7th day of September, in the year of Our Lord, nineteen hundred and eighty nine.

(Sgd.) **CORAZON C. AQUINO**

By the President:

(Sgd.) **CATALINO MACARAIG, JR.**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 132
IMPOSING A FINE ON FORMER REGISTER OF DEEDS RAMON G. MANALASTAS OF THE
PROVINCE OF RIZAL

This refers to Administrative Case No. 87-17 for gross negligence and violation of revenue laws and regulations against, among others, Atty. Ramon G. Manalastas, former Register of Deeds of Rizal.

The records show that, on March 19, 1986, the Acting Administrator of the National Land Titles and Deeds Registration Administration (NLTDRA) directed teams composed of NLTDRA personnel and representatives from both the Bureau of Internal Revenue (BIR) and the Commission on Audit (COA) to conduct an audit of the documents of, among others, the Registry of Deeds of Rizal to determine whether they comply with revenue laws and regulations, with particular reference to documentary stamp taxes.

In its report of August 11, 1986, the NLTDRA Audit Team confirmed that there was, indeed, non-compliance with the requirements on payment of documentary stamp taxes in a number of documents in the Registry of Deeds of Rizal. Consequently, a fact-finding investigation was conducted by the NLTDRA to identify the persons responsible for such irregularities. In his report of November 24, 1986, Atty. Ruben Mendigoren, the designated investigator, pinpointed the Register of Deeds of Rizal and the Land Registration Examiners thereof as the ones responsible therefor.

On the basis thereof, the NLTDRA Administrator filed on June 22, 1987, formal charges against Atty. Ramon G. Manalastas, Register of Deeds of Rizal, for gross negligence and violation of existing revenue laws and regulations in the registration of several documents, among which are:

Entry No.	Value of Contract	Confirmation Receipt No.	Date	Amount	Shortage
110275	₱ 83,200	B 2009725	10-10-83	₱ 634.00	₱ 25.60
99243	283,560	B 2793810	12-19-83	1,866.00	397.05
107463	34,560	B 2419978	7-26-83	224.00	46.48
94408	297,050	B 0384371	6-21-83	1,578.00	792.40
103107	300,000	B 0280826	1-26-83	122.50	227.50
103783	67,200	B 0345852	2-16-83	146.00	385.80
105760	125,255	B 0384137	5-17-83	937.00	59.04
103275	466,300	B 0160943	1-24-83	147.00	397.00

In his answer-affidavit dated July 16, 1987, respondent, while denying misfeasance of Entry No. 99243 the registration of which he attributed to Atty. Raymundo Vergara, admitted having registered the documents covered by the above-enumerated entries, inspite of the deficiencies in the amount of the documentary stamp taxes paid. He further contended that the said taxes were paid based on the Payment Orders issued by the BIR and that such payments were evidence by Bank Confirmation Receipts issued by the agent bank. In fine, respondent Manalastas imputed the tax shortages to both the Land Registration Examiners who allegedly overlooked such deficiencies in the

processing of the documents and the BIR representatives who computed the amounts of the said taxes. He further averred that he merely relied on the computation of the BIR representatives.

Petitioner even went to the extent of alleging that in two (2) instances, particularly referring to Entries Nos. 110275 and 105760, the inadequacies in the required documentary stamps were subsequently paid by the parties involved.

However, after thorough investigation, the NLTDRA Administrator found that respondent Manalastas was “still remiss in the implementation of existing regulation concerning documentary stamp tax(es) before effecting registration of documents” and recommended that he be reprimanded.

The Secretary of Justice, in his letter to this Office of February 21, 1989, made the following pertinent observations and recommendation:

“A careful review of the records reveal that in connection with Entry No. 103783, respondent Manalastas failed to observe the provisions of (1) Section 10 of the Property Registration Decree (Presidential Decree No. 1529) requiring him to see to it that the instrument presented for registration bears the ‘proper’ documentary stamps; and (2) LRC Circular No. 379 dated 26 June 1980 reiterating the portions of the letter dated 2 June 1980 of the BIR Commissioner relative to the value of the documentary stamp taxes to be affixed to taxable documents. In the case of deeds of sale and conveyances of real property, the said LRC Circular bases the documentary stamp taxes to be paid on the ‘consideration, after making proper allowance of any [e]ncumbrance.’

x

x

x

All told, we agree with the Administrator that respondent Manalastas had been remiss in the performance of his duties as Register of Deeds. Such gross negligence proceeds from his being merely perfunctory in the observance of the relevant issuances. As to the charge of violation of revenue laws and regulations, we find no evidence on record that respondent Manalastas wilfully and intentionally committed the acts charged him.

On the matter of penalty, we do not agree with the mere reprimand the Administrator recommends. Under Memorandum Circular No. 8 dated 26 June 1970 of the Civil Service Commission, reprimand is a penalty for light administrative offenses only. Under the same circular, gross neglect of duty or gross negligence constitutes a less grave administrative offense.

Considering that respondent Manalastas had been in the government service for thirty-three (33) years and that he had already reached the age of compulsory retirement on 6 November 1987, he may be fined an amount equivalent to his three months salary.”

I concur with the Secretary of Justice in finding respondent liable for gross negligence. The penalty recommended must however be modified. The records reveal that the respondent was investigated together with other employees in the Registry of Deeds of Rizal, who were also charged for gross negligence and/or violation of existing rules and regulations. Though the NLTDRA found all the other respondents “remiss in their duties in the implementation of existing regulation concerning documentary stamp before effecting registration of legal and/or commercial documents,” it is with regret that only the penalty of reprimand was imposed by the Administrator against them (pp 8 and 10, NLTDRA Adm. Case No. 87-17 Decision dated August 2, 1988). It is clear that gross negligence

permeated the Office of the Registry of Deeds once headed by the respondents. From the Register of Deeds down to the land registration examiners, negligence seems to be the common trait. There may thus be basis to believe that the Government may have incurred revenue losses not only in the stated shortage for the documentary stamp but also in other taxes and fees attendant to realty transactions which these public officials could have prevented had they not been negligent viz.:

“True, confirmation receipt is presented merely as supporting document to show payment of capital gains on documentary stamp tax and is not required to be registered; however, its non-presentation or its apparent alteration or tampering or the insufficiency of the tax paid therein, is adequate reason for the Register of Deeds to deny the registration of the document.” (p.9, *ibid.*)

Contrary to the observation of the NLTDRA Administrator, a “busy” office like that of the Registry for the Province of Rizal is never an excuse to depart from a faithful performance of a duty.

For these reasons, respondent deserves a higher penalty. I likewise take this opportunity to task the Administrator of the NLTDRA to (a) be more circumspect in meting penalties to erring personnel of his office and (b) to conduct extensive audit in all the registries.

WHEREFORE, former Register of Deeds Ramon G. Manalastas of Rizal is hereby found GUILTY of gross negligence in the performance of his official duties, and is hereby FINED in an amount equivalent to his SIX (6) months’ salary.

Done in the City of Manila, this 11th day of September, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 133
IMPOSING THE PENALTY OF DISMISSAL FROM OFFICE WITH FORFEITURE OF
RETIREMENT AND OTHER BENEFITS ON JESUS F. BIGORNIA, JR., ASSISTANT
FISCAL OF QUEZON CITY

This refers to the administrative complaint against Third Assistant City Fiscal Jesus F. Bigornia, Jr., (hereinafter referred to as the respondent), of Quezon City, for alleged partiality in connection with the reinvestigation and trial of a homicide case where complainant's son, Ricarte Bautista, was the victim.

In her letter of April 7, 1988, complainant Mrs. Norma S. Bautista alleged that (1) in the course of the reinvestigation of Criminal Case No. Q-47653, entitled "People vs. Pedro Pertinez", respondent proposed to her, in the presence of her counsel and the counsel for the accused, the amicable settlement of the case, to which she and her counsel vigorously objected; (2) respondent, with no apparent valid reasons, disqualified complainant's counsel, Atty. Eriberto D. Ignacio, from participating in the prosecution of said criminal case so that respondent could have a free hand in asking questions that would favor the defense; (3) without presenting the other witnesses to the crime, respondent, in his resolution of July 3, 1987, recommended the dismissal of (a) Criminal Case No. Q-47653 against Pedro Pertinez and (b) the charges against Ramon Rodriguez, *et al.* in I.S. No. 86-11391; and (4) on several occasions after the hearings in Criminal Case No. Q-47653 were terminated, respondent was seen consorting happily with accused Pertinez and the latter's counsel.

The facts of the case are as follows:

In the early morning of September 17, 1986, Ricarte Bautista was with a group of friends at the Viva's Mami-Goto House located beside the McDonald Restaurant at Quezon Avenue, Quezon City. While Ricarte and another member of the group were answering a call of nature at a nearby place, gunshots were fired towards their direction. One hit Ricarte who expired in the afternoon of the same day.

Based on the declarations of Ricarte's companions, the shots came from the direction of a group – later identified as a certain Ramon Rodriguez, Aurelio Sebastian, Pedro Pertinez, and Rogelio Quiling – then gathered at the doorstep of Asia Trust Bank located opposite McDonald Restaurant. After investigation, the police lodged a complaint for Homicide against Pertinez only at the Office of the City Fiscal, Quezon City. The complaint eventually led to the filing of an information for Homicide against Pertinez, which information was docketed as Crim. Case No. Q-47653 in Branch 99 of the Regional Trial Court (RTC) of Quezon City of which respondent was the regular trial fiscal.

Pending trial of the criminal case, and on account of the information furnished by Ricarte's companions that the gun wielder(s) could be Ramon Rodriguez and/or Aurelio Sebastian, the mother of Ricarte, Mrs. Norma Bautista, assisted by a private prosecutor – Atty. Eriberto Ignacio, petitioned the Office of the City Fiscal of Quezon City for a reinvestigation of Crim. Case No. Q-47653 and for investigation of a separate complaint for Murder against Pertinez, Rodriguez, Sebastian, and Quiling. The reinvestigation of Crim. Case No. Q-47653 as well as the investigation of the new complaint for Murder were assigned to the respondent as trial fiscal of RTC Branch 99. In his Resolution of July 3, 1987, respondent recommended not only the dismissal of the new complaint for Murder but also

of Crim. Case No. Q-47653. The record shows that respondent's recommendation for the dismissal of Crim. Case No. Q-47653 was disapproved by the reviewing fiscal, Fiscal Francisco A. Querubin. The same record, however, does not show whether or not respondent's recommendation to quash the complaint for Murder against Pertinez, Rodriguez, Sebastian, and Quiling was disapproved.

Respondent's actuations during the reinvestigation and investigation, respectively, of Crim. Case No. Q-47653 and the complaint for Murder, as well as during the subsequent trial of Crim. Case No. Q-47653, constitute the basis for the present administrative case against him.

After formal investigation, the Secretary of Justice, in his memorandum of August 31, 1988, recommended that the respondent be suspended from office for a period of one (1) month, on the basis of his finding that:

"The actuations of Fiscal Bigornia, allegedly manifesting bias and partiality were substantially proven during the administrative investigation. It appears that he proposed to the complainant, the amicable settlement of the criminal case, recommended in his resolution, the dismissal of the case against all the respondents despite probable cause and announced in Court, as trial fiscal, that he would file a motion to dismiss the information without presenting the NBI ballistics reports, the gun and other witnesses. He moreover, disqualified the private prosecutor contrary to Section 16, Rule 110, Rules of Court which allows the intervention of the offended party in the prosecution of the criminal case."

"The foregoing actuations of Fiscal Bigornia are found not in conformity with the proper conduct and decorum required of a fair and an impartial prosecutor whose actuations in office should be beyond suspicion and reproach."

I agree with the findings of the Secretary of Justice. However, I find the recommended penalty to be not commensurate with the quality of the offense committed by the respondent.

The records clearly show that during the reinvestigation and investigation, respectively, of Crim. Case No. Q-47653 and the complaint for Murder, respondent took it upon himself to propose to the victim's mother the amicable settlement of the case as, according to him, even murder cases can be settled in the Fiscal's Office. A proposal to settle a criminal case is per se unobjectionable. Coming, however, from a public prosecutor acting ostensibly in behalf of the accused, as here, such proposal manifests partiality. It is abhorrent to one's sense of fairness. By initiating the settlement of a case involving the loss of a life, respondent at once betrays a bias prejudicial to both the State and the victim of a crime.

As noted, respondent earlier recommended the dismissal (a) of Crim. Case No. Q-47653 before it could even be tried and (b) of the complaint for Murder against the other suspects. Having so recommended, fair play demands that respondent should have at least requested for his relief as prosecuting fiscal in the subsequent trial of the same case. No attempt was taken along this line, despite the fact that, even while the case was being reinvestigated for possible inclusion of other suspects and/or filing of an information for Murder, Mrs. Bautista, in her letter of May 6, 1987, already requested the City Fiscal for the transfer of the case to another fiscal "as [she has] perceived that said Fiscal Bigornia is not only biased but that [she] cannot expect justice from him for reasons known only to him." Why respondent did not inhibit himself from prosecuting the very case he had earlier recommended for dismissal remains a puzzle.

The pertinent transcripts of stenographic notes during the hearing of Crim. Case No. Q-47653 on October 19, 1987 and March 23, 1988, disclose that respondent acted more as a defense counsel

than as government prosecutor. Going by those transcripts, there were instances when respondent even impeached the very witnesses of the government and elicited from them admissions derogatory to the People's case and favorable to the accused. In several stages of the trial, respondent disallowed the private prosecutor from taking part therein, which is rather unusual since the civil aspect of the case is deemed instituted with the criminal case. While the Rules of Court entrusts to fiscals control in the prosecution of offenses, the same Rules authorizes the offended party to intervene therein personally or by attorney, subject to such control (Sec. 16, Rule 110; *Diel v. Martinez*, 76 Phil. 274). As further reflection of partiality, respondent withheld presentation of the NBI ballistics reports positively showing that the shells found and recovered at the premises of the incident were fired from the gun of Pertinez. Assuming that, as declared by some of the prosecution witnesses, Pertinez was not the one who actually fired said gun, respondent should have at least presented in court this incriminating evidence (NBI ballistics reports) and the gun itself if only to determine how the gun came to be in the possession of the real gun wielder(s), in the light of the allegations of conspiracy attending the killing of Mrs. Bautista's son.

The above-described conduct of respondent unequivocally portrays a lack of objectivity and impartiality in a prosecutor whose main concern is to vigilantly see to it that justice be done to both the accuser and the accused without fear or favor. A prosecutor represents the State and the accuser; he can not therefore act against the interest of both. As above-discussed, he appeared more concerned in sparing those who appear to be responsible for a crime rather than ferreting out the truth in the interest of justice. For how else can one explain a settlement proposal emanating from the respondent himself, laced with remark that even murder cases can be settled in the Fiscal's Office!

Any act which is tantamount to partiality is abhorrent; it is not pleasant to be the victim of partiality or unfairness (*Calo, Jr. v. Tapucar*, L-48244, Jan. 16, 1979, 88 SCRA 78). Respondent, as representative of the State and of the offended party in a criminal case, was expected to deport himself with strict impartiality. By his conduct, respondent betrayed the trust reposed in the office he holds.

WHEREFORE, given the gravity of the offense committed by him, 3rd Assistant Fiscal JESUS F. BIGORNIA, JR. of Quezon City, is hereby DISMISSED from the service with forfeiture of retirement and other benefits.

Done in the City of Manila, this 12th day of September, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). [*Administrative Order Nos.: 1 - 150*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 134
CREATING A COORDINATING COUNCIL FOR ROAD EXCAVATIONS AND RESTORATIONS
FOR METROPOLITAN MANILA

WHEREAS, diggings and excavations on major thoroughfares/streets in various cities and municipalities in Metropolitan Manila cause inconvenience and poise hazards to motorists and pedestrians;

WHEREAS, there is a need to resolve all conflicts regarding the jurisdictional authority to regulate and control excavations and restorations of both local and national roads in Metropolitan Manila;

WHEREAS, to harmonize rules and regulations on excavations and restorations of roads, it is deemed necessary to establish a body for this purpose;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Creation. There is hereby created the Metropolitan Manila Coordinating Council For Road Excavations and Restorations (MMCCRER), hereinafter referred to as the Council.

The Council shall be composed of the following:

- | | |
|--|---------------|
| (1) The Executive Secretary or his Representative | Chairman |
| (2) The Governor, Metropolitan Manila Commission or his Representative | Vice-Chairman |
| (3) The Mayors of Metropolitan Manila | Members |
| (4) The General Manager Public Estates Authority | Member |
| (5) The Administrator Intramuros Administration | Member |

A representative each from:

- | | |
|--|---------|
| (a) The Department of Public Works and Highways (NCR) | |
| (b) Metropolitan Waterworks and Sewerage System (MWSS) | |
| (c) Philippine Long Distance Telephone Company (PLDT) | |
| (d) Manila Electric Company (MERALCO) | |
| (e) Manila Gas Corporation | |
| (f) Metropolitan Manila Traffic Police Force | |
| Command-Metropolitan Police Force (MMTPFC-MPF) | Members |

Sec. 2. Functions. The Council shall have the following functions:

1. To formulate and recommend, for approval of the President, within sixty (60) days from the effectivity of this Administrative Order, such rules, regulations and systems pertaining to road diggings/ excavations and restorations in Metropolitan Manila, consistent with existing law.

2. To establish a data bank for annual and long range projects including a monitoring system for ongoing projects.

3. To establish a coordinative and working arrangement among government agencies and utility companies.

4. To organize sub-committees in the exercise of its functions.

Sec. 3. Effectivity. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 13th day of September, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 135
SUSPENDING ASSISTANT PROVINCIAL FISCAL RAMON P. VELASCO OF NEGROS
ORIENTAL FROM OFFICE FOR ONE (1) YEAR WITH FORFEITURE OF PAY AND
ALLOWANCES.

This is an administrative case against Assistant Provincial Fiscal Ramon P. Velasco of Negros Oriental for alleged disgraceful and immoral conduct, conduct prejudicial to the best interest of the service, and dishonesty filed by his wife Norma Velasco.

In her sworn complaint-affidavit of March 22, 1988, complainant alleged, among other things, that she is the lawful wife of respondent; that respondent and a certain Yvonne D. Tan are having an illicit relationship; that on March 16, 1988, complainant, together with Josephine Tingoba and Norlynne Villanueva, unexpectedly caught respondent with Miss Tan alone inside the Red Palm Cottage No. 6, El Oriente Beach Resort, Dumaguete City; that an altercation ensued between complainant and respondent; that an hour later, two policemen came and accompanied them to the police station; that during the police interrogation, respondent admitted that he and Miss Tan begot a child; and that the incident and respondent's aforesaid admission were recorded in the police logbook.

To substantiate her allegations, complainant submitted a certified xerox copy of pages 57 and 58 of the police logbook and the affidavits of Josephine Tingoba, Bernie Cuadra and Liwayway Arabe.

Acting thereon, the Chief State Prosecutor, in a 1st Indorsement of April 6, 1988, required respondent to submit his Answer to the charges against him.

In his Answer of April 25, 1988, respondent admitted that he was inside the cottage with Yvonne Tan, but averred that they were not doing any illicit act. Respondent likewise admitted that he, his wife, Miss Tan, and some witnesses were brought to the police station for interrogation, but denied having admitted that he and Yvonne Tan have a four (4)-month old child.

After due investigation, the hearing officer found no probable cause to hold respondent administratively liable for the reason that complainant had withdrawn from the case and has refused to testify, and that moreover, the evidence submitted failed to prove that respondent and Yvonne Tan were having an illicit relationship.

Upon review, however, the Secretary of Justice, in his memorandum to this Office of April 14, 1989, disagreed with the findings of the hearing officer and found respondent guilty of "disgraceful and immoral conduct prejudicial to the best interest of the service." Accordingly, the Justice Secretary recommended that respondent fiscal be suspended from the service for a period of two (2) months, with forfeiture of pay and allowance.

After going over the records of the case, I concur with the Secretary of Justice that respondent is guilty of disgraceful and immoral conduct prejudicial to the interest of the service.

The evidence incontrovertibly shows that, on March 16, 1988, respondent and Yvonne Tan were caught by complainant inside a beach cottage, which was witnessed by several persons, and that they were brought to the police station. During the police interrogation, respondent admitted that he and Miss Tan begot a child. Although said admission was denied by respondent in his Answer,

such disavowal will avail him no comfort, since there is no showing that he protested against the entry of such derogatory statement in the police logbook, which is expected of him as a lawyer and prosecutor. The fact that respondent was caught by his wife inside a beach cottage in the company of a young woman, coupled with his admission that he had begotten her child, cannot but create the impression that they have an illicit relation, his subsequent protestation to the contrary notwithstanding.

As Assistant Provincial Fiscal, respondent occupies an exalted position which can directly influence the morality of the community. Owing to the nature of his duties as prosecutor, the Government expects respondent to hew strictly to a high standard of decency and integrity. As such, and respondent being a married man at that, he ought to be discreet in the conduct of his public as well as private affairs. Respondent's indiscretion casts serious doubts on his sense of morality, which is likely to affect his relations with people in the community where he is assigned.

Accordingly, respondent having dismally failed to conduct himself in an irreproachable manner befitting a public official who should, at all times, set the tone of morality, apart from being a paradigm of virtuousness, the penalty recommended by the Secretary of Justice of suspension for two (2) months should be, as it is hereby, modified to make it commensurate with the offense committed by the respondent.

WHEREFORE, Assistant Provincial Fiscal RAMON P. VELASCO of Negros Oriental is hereby SUSPENDED from office for ONE (1) YEAR without pay and allowances, effective upon receipt of a copy hereof.

Done in the City of Manila, this 13th day of September, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 136
CONSIDERING ASSISTANT PROVINCIAL FISCAL JOSE VID. ESPINOSA OF PANGASINAN
RESIGNED FROM THE SERVICE.

This is an administrative case against former Assistant Provincial Fiscal Jose Vid. Espinosa of Pangasinan filed by Justo C. Castro for misconduct and conduct prejudicial to the best interest of the service.

The case against respondent was the offshoot of two (2) separate incidents. The first is with respect to respondent's purchase of a stolen dump-truck tire with rim belonging to the Provincial Government of Pangasinan, and the second refers to a charge of illegal possession of firearm, a Browning Automatic Rifle (BAR).

With regard to the first charge, respondent admitted having bought subject tire from his nephew for ₱75.00; that the said tire was only four (4) months old at the time of the purchase; and that a brand new tire of the same type without rim costs around ₱800.00 at that time. In his defense, respondent claimed he was unaware that the tire was stolen when he bought the same.

Concerning the second charge, it appears that, in Criminal Case No. 20394, entitled "People of the Philippines vs. Camilo Lequigan", the then Court of First Instance (now Regional Trial Court) of Pangasinan, Alaminos Branch, on respondent's motion, issued an order authorizing the delivery to him of a long firearm (BAR), a court exhibit, for his protection. Said firearm was subsequently confiscated by the P.C. from respondent's son while respondent and his son were on board a passenger bus. Respondent claimed good faith and reliance on the court order releasing said firearm to his custody as his defense.

After formal investigation, then Secretary of Justice Vicente Abad Santos, in his letter to the former President, dated November 13, 1973, found respondent guilty of the charges and, hence, recommended that he be considered resigned from the service.

In brushing aside an untenable respondent's defense anent the first charge that he was unaware that the tire was stolen at the time he purchased it, the Justice Secretary stated: "As a prosecuting officer, respondent fiscal, in exercising ordinary prudence and care, could not have lost sight of the fact that being a truck owner himself, the great disparity between the purchase price and the actual cost of a brand-new tire could only mean one thing – that the legality of the source was dubious and would readily indicate that the vendor's possession was suspect."

Similarly, respondent's claim of good faith in connection with the second charge was likewise found unmeritorious by the Justice Secretary in this wise: "Assuming that his (respondent's) authority to possess the firearm is valid and proper, respondent, as a fiscal, should be aware that the Court Order does not give him or anybody the authority to carry the firearm outside his residence without the correspondent permit or license therefor having been first secured from the Philippine Constabulary."

Upon referral of subject case for updated comment and recommendation on September 24, 1985, the Justice Department, in a 2nd Indorsement of October 25, 1985, informed this Office that respondent had been separated from the government on April 30, 1974, after his resignation was accepted by the former President.

Since respondent is no longer connected with the government in any capacity whatsoever, his official ties therewith having been completely severed with the acceptance of his resignation, it would seem, at first blush, that the instant administrative case against him has become moot and academic. Thus:

“As an administrative proceeding is predicated on the holding of an office or position in the government and there being no doubt as to the resignation of respondent Judge having been accepted as of August 31, 1967, there is nothing to stand in the way of the dismissal prayed for.” (Diamalon vs. Quintillan, Adm. Case No. 116, Aug. 29, 1969, 29 SCRA 347; See also Castillo vs. Barsana, Adm. Matter No. 77-MJ, May 16, 1975, 64 SCRA 47; Secretary of Justice vs. Catolico, Adm. Matter No. 625-CFI, Nov. 18, 1975, 68 SCRA 62.)

However, the better and more recent rule is that which was pointed out in the later case of People vs. Valenzuela (L-63950-60, 135 SCRA 712), decided by the Supreme Court en banc on April 19, 1985, where the Court reiterated its previous ruling in Perez vs. Abiera (Administrative Case No. 223-J, 64 SCRA 302), decided on June 11, 1975, which practically abandoned its earlier doctrinaire pronouncement in Diamalon vs. Quintillan, *supra*. Says the High Court in the Abiera case:

“It was not the intent of the Court in the case of Quintillan to set down a hard and fast rule that the resignation or retirement of a respondent judge as the case may be renders moot and academic the administrative case pending against him; nor did the Court mean to divest itself of jurisdiction to impose certain penalties short of dismissal from the government service should there be a finding of guilt on the basis of the evidence. In other words, the jurisdiction that was Ours at the time of the filing of the administrative complaint was not lost by the mere fact that the respondent public official had ceased to be in office during the pendency of his case. The Court retains its jurisdiction either to pronounce the respondent official innocent of the charges or declare him guilty thereof. A contrary rule would be fraught with injustices and pregnant with dreadful and dangerous implications. For what remedy would the people have against a judge or any other public official who resort to wrongful and illegal conduct during his last days in office? What would prevent some unscrupulous magistrate from committing abuses and other condemnable acts knowing fully well that he would soon be beyond the pale of the law and immune to all administrative penalties? If only for reasons of public policy, this Court must assert and maintain its jurisdiction over members of the judiciary and other officials under its supervision and control for acts performed in office which are inimical to the service and prejudicial to the interests of litigants and the general public. If innocent, respondent official merits vindication of his name and integrity as he leaves the government which he served well and faithfully; if guilty, he deserves to receive the correspondent censure and penalty proper and imposable under the situation.” (Emphasis added.)

After a careful review of the case, I concur in the findings of the Secretary of Justice that respondent fiscal is guilty as charged.

WHEREFORE, and as recommended by the Secretary of Justice, former Assistant Provincial Fiscal JOSE VID. ESPINOSA of Pangasinan is hereby considered resigned from the service, effective as of the date of his resignation from the government on April 30, 1974.

Done in the City of Manila, this 13th day of September, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 137

**DIRECTING THE ADOPTION OF ECONOMY MEASURES AND THE IMPOSITION OF
BUDGET RESERVE FOR FY 1989 FOR PURPOSES OF GENERATING ADDITIONAL FUNDS
FOR THE IMPLEMENTATION OF THE SALARY STANDARDIZATION PLAN AND OTHER
PRIORITY PROGRAMS**

WHEREAS, the budgetary requirements of the Salary Standardization Plan, as approved by Congress, would involve about ₱5.1 Billion for the second semester of FY 1989;

WHEREAS, Congress has appropriated ₱4.7 Billion of which cash resources of only ₱3.2 Billion is programmed for FY 1989;

WHEREAS, additional sources of funds to cover the deficit in programming of about ₱1.9 Billion would be needed for the full implementation of the Salary Standardization Plan in FY 1989, as well as other priority programs of the government;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby direct that economy measures be adopted and implemented by government agencies, including government-owned or controlled corporations, and that a budget reserve equivalent to ten percent (10%) of the personal services and maintenance components of the FY 1989 budget program of each agency for the second semester be imposed.

The provision for the Salary Standardization Plan, the Personal Benefits Fund, terminal leave and retirement gratuity, and the maintenance of infrastructure facilities and foreign-assisted projects (loan proceeds and peso counterpart) shall be totally exempted from the reserve imposition.

All agencies of the national government shall submit to the Department of Budget and Management the details of their proposed economy measures and reserve imposition not later than September 22, 1989.

The Department of Budget and Management shall issue the necessary guidelines to implement this Administrative Order immediately.

DONE in the City of Manila, this 15th day of September, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 138

REPRIMANDING MR. FERNANDO Y. AMAT, PROVINCIAL FISCAL OF AURORA PROVINCE
IN HIS CAPACITY AS EX-OFFICIO REGISTER OF DEEDS OF THE SAME PROVINCE.

This is an administrative case against Fernando Y. Amat, Provincial Fiscal and Ex-Officio Register of Deeds of Aurora Province filed by Atty. Aurea Aragon-Casiano for alleged gross ignorance of the law, inefficiency, incompetence, irregularity in the performance of official duties, dishonesty, conduct prejudicial to the best interest of the service, and violation of the Anti-Graft and Corrupt Practices Act.

Records show that, in a letter-complaint of January 17, 1985, filed with the National Land Titles and Deeds Registration Administration, Aurea Aragon-Casiano charged respondent fiscal with having connived, on March 18, 1982, with Notary Public Alexander T. Peñaranda in causing (1) the cancellation of Certificate of Title No. 760 in the name of Ladislao Aragon covering a parcel of land situated in Baler, Aurora, and (2) the issuance of new Transfer Certificates of Title Nos. T-9591, T-9592 and T-9593 in the names of Bonaparte Palispis, Isidro Aragon and Melecia Aragon, respectively, without requiring the presentation and surrender of the owner's duplicate of Certificate of Title No. 760, as required under Sections 41 and 53 of the Property Registration Decree. Respondent was also charged with having received ₱500.00 per lot in consideration of his favorable action.

In support thereof, complainant alleged that one of the basis for the cancellation of Certificate of Title No. 760 and the issuance of new titles were falsified documents of partition and sale. One of the partition documents was allegedly prepared by respondent Amat and Peñaranda.

On February 7, 1985, then Acting Land Registration Commissioner Oscar R. Victoriano required the respondent to reply to the charges. Respondent filed his Answer on February 26, 1985 wherein he admitted signing the new Transfer Certificates of Title without the owner's duplicate of Certificate of Title No. 760 being presented to him allegedly after being informed that the same was left in the Registry because it was "already torn to pieces". Respondent, however, denied having received any monetary consideration for the questioned transaction.

Thereafter, the Acting Land Registration Commissioner requested the Ministry (now Department) of Justice to undertake administrative proceedings against respondent. The Commissioner explained that, while the acts and/or omission complained of appear to have been committed or omitted by respondent in his capacity as Ex-Officio Register of Deeds, his position as Provincial Fiscal could not be dissociated from and would necessarily be affected by any adverse findings or decision that may be rendered against him.

After due investigation, the Minister (now Secretary) of Justice found respondent guilty of neglect of duty for failure to require the presentation and surrender of the owner's duplicate of Certificate of Title No. 760 prior to its cancellation and the issuance of new transfer certificates of title in favor of other individuals. As regards the complaint that respondent was allegedly bribed to perform the acts complained of, the same was dismissed for lack of evidence. Similarly, with respect to the allegation that respondent acted improperly in registering the Deed of Partition dated March 16, 1982 (Exh. "5"), the then Minister of Justice brushed aside the same, noting that "the document, on its face,

merely shows that the respondent signed it as a witness” and that it is hard to assume from said fact “that respondent had a hand in the preparation of the document.”

Consequently, the then Justice Minister recommended that respondent be reprimanded and warned that his commission of the same will be dealt with more severely.

After reviewing the case, I concur with the findings of the Secretary of Justice but disagree with his recommended penalty. No graver offense could perhaps be committed by a Register of Deeds than to issue new certificates of title which cancel an existing one without requiring the presentation of the owner’s duplicate thereof. Such an omission on the part of the respondent cannot be excused even by his alleged heavy workload as Provincial Fiscal since it undermines the very foundation and integrity of the land registration system. Respondent’s negligence in this respect becomes even more condemnable, for, as found by the Secretary of Justice, had only respondent took the pain of verifying the original of Certificate of Title No. 760 which was on file with the Registry, he could have seen that at the back thereof there appears an unsigned annotation concerning the loss and destruction of the owner’s duplicate certificate of the same title.

WHEREFORE, Provincial Fiscal FERNANDO Y. AMAT, in his capacity as Ex-Officio Register of Deeds of Aurora Province, is hereby FINED in an amount equivalent to this SIX (6) MONTHS’ salary as of the date of the filing of the instant complaint against him.

Done in the City of Manila, this 16th day of September, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACANANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 139
SUSPENDING ASSISTANT CITY FISCAL NORMA B. SIAO OF ILIGAN CITY FOR ONE
MONTH AND ONE DAY.

This is an administrative case against Assistant City Fiscal Norma B. Siao of Iligan City for neglect of duty, grave misconduct, discourtesy in the course of official duties, inefficiency and incompetence in the performance of official functions, and conduct prejudicial to the best interest of the service.

The case was the offshoot of a sworn complaint-affidavit dated October 23, 1987, filed by herein complainant Jose L. Salinas against City Fiscal Ulysses V. Lagcao and Assistant City Fiscal Norma B. Siao of Iligan City, in connection with the charges/counter-charges filed by and between complainant and his spouse Virginia Salinas.

Records show that, on March 2, 1987, Virginia Salinas filed a criminal complaint for attempted parricide (I.S. No. 87-238) against her husband, Jose Salinas, before Iligan City Fiscal Ulysses Lagcao. After due investigation, on March 5, 1987, an information for attempted parricide was filed in court by Fiscal Lagcao.

On April 24, 1987, complainant filed a counter-charge for the same felony against his wife, which case was assigned to Fiscal Norma B. Siao. On October 15, 1987, or more than seven (7) months from the commission of the crime, Fiscal Siao recommended the filing of an information for slight physical injuries only, which was approved by the City Fiscal. However, in an order of October 19, 1987, the Municipal Trial Court of Iligan City dismissed the case for having already prescribed. Inquest Fiscal Norma B. Siao moved to reconsider said order, but the same was denied by the court in its subsequent order of November 24, 1987.

Likewise, in a resolution, dated August 21, 1987, Fiscal Siao recommended the dismissal of I.S. No. 87-743 filed by complainant against his wife for uttering statements derogatory to his person, on the ground that the evidence on hand was insufficient to establish a *prima facie* case. Moreover, I.S. No. 87-713, also filed by complainant against his wife for theft and false reporting was similarly recommended to be dismissed by Fiscal Siao.

Resolving the complaint of Salinas against Fiscal Siao, the Secretary of Justice, after appropriate proceedings, found respondent fiscal guilty of inefficiency. For insufficiency of evidence, however, the other charges against respondent were ordered dismissed. As observed by the Justice Secretary:

“While there is basically nothing irregular when Fiscal Siao granted postponements on valid grounds or exerted efforts to reconcile the parties as the circumstances may warrant, such should not be made as an excuse for her inability to act with dispatch in the resolution and disposition of her assigned cases. Precisely, Ministry Circular No. 1 dated January 7, 1985, enjoins her as investigating fiscal to terminate her investigation within a period of sixty (60) days from the date of filing of the complaint, and any extension of said period, granted by the head office, for meritorious reasons, should not exceed thirty (30) days.

Sad to note, Fiscal Siao's failure to observe said circular resulted in the dismissal of the case. Whether or not the dismissal was correct is not for us to decide. As far as we are concerned, she has failed to perform her duty with the highest degree of responsibility and efficiency. In fact, Fiscal Siao's Individual Accomplishment Report for 1987 shows that while she has been assigned a total of two hundred thirty three (233) cases in said year, for preliminary investigation, she was able to comply with the sixty (60) day deadline only in around 43% of the cases. Accordingly, we find her guilty of inefficiency which is a less grave offense. Her heavy workload may be considered as a mitigating circumstance. For insufficiency of evidence, the other charges against her are ordered dismissed. (Underscoring supplied.)

"In view of the foregoing, and applying the rule on the manner of imposing penalties under CSC MC No. 8, June 26, 1970, it is respectfully recommended that Assistant City Fiscal Norma B. Siao of Iligan City be suspended from the service for a period of one month and one day."

After a careful review, this Office concurs in the findings and recommendation of the Secretary of Justice. Evidently, Fiscal Siao had fallen far short of what is expected of her in the discharge of her duties as public prosecutor. Being enjoined under Ministry (now Department) of Justice Circular No. 1 dated January 7, 1985, to terminate her preliminary investigation within a period of sixty (60) days, respondent, in disregard of said circular, resolved the complaint for attempted parricide filed by Salinas against his wife only after six (6) months from the date of filing thereof, thereby resulting in the dismissal by the court of the information for slight physical injuries on ground of prescription. Needless to stress, respondent had been remiss in the discharge of her duties, which requires the exercise of the highest degree of responsibility.

WHEREFORE, and as recommended by the Secretary of Justice, Fiscal Norma B. Siao of Iligan City is hereby suspended from the service for a period of one (1) month and one (1) day with forfeiture of pay and allowances, effective upon receipt of a copy hereof.

Done in the City of Manila, this 20th day of September, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 140
SUSPENDING ASSISTANT PROVINCIAL FISCAL LEODEGARIO C. QUILATAN OF RIZAL.

This is an administrative case against Assistant Provincial Fiscal Leodegario C. Quilatan of Rizal filed by Alfredo Bautista for negligence, inefficiency and incompetence in the performance of duty.

Records show that, on June 11, 1973, a passenger jeepney driven by Enrico de Vera bumped Elviro Bautista, a 10-year old son of herein complainant Alfredo Bautista, resulting in the boy's death a few days later. On the basis of the police investigation report, the death certificate of the victim, and the written statements of witnesses Sixto de la Cruz and Meliton Constantino, an information for Reckless Imprudence Resulting in Homicide was filed against Enrico de Vera by respondent, then the 5th Assistant Provincial Fiscal of Rizal. The accused pleaded not guilty to the offense charged.

After the case was scheduled for trial fourteen (14) times in a span of almost two (2) years from April 3, 1974 up to March 18, 1976, judgment was rendered on June 26, 1976, upon a demurrer to evidence, acquitting the accused Enrico de Vera for failure of the prosecution to establish a prima facie case against him.

As a result of the acquittal of the accused, Alfredo Bautista filed a complaint with the then Ministry (now Department) of Justice sometime in July 1977, claiming that the acquittal of the accused was due to respondent's failure to present the two eyewitnesses to the accident, namely, Meliton Constantino and Sixto de la Cruz.

By way of answer to the charges, respondent, in his memorandum of May 17, 1979, thru counsel, stated:

“The essence of respondent's evidence may be summed up as follows: The alleged eyewitness, Meliton Constantino and Sixto de la Cruz, were not presented by the prosecution because they did not appear at the hearings of the case when they were supposed to testify. This act is borne by the records of Crim. Case No. 8769. It is a standard procedure in Branch XXXVI of the Court of First Instance of Rizal, Makati, Metro Manila, to which said case was assigned for trial and in which the prosecuting fiscal was the respondent, that the parties-litigants and their witnesses present at a certain hearing are required to sign the records that they are personally notified of the next hearing to avoid the sending of further notices or subpoena. As the records show, Meliton Constantino appeared only once and that was on June 21, 1974, when the hearing was postponed to August 26 and 27, 1974. Being present, said witness was required to sign, and in fact did sign, the back portion of the Minutes for said hearing signifying that he was duly notified of the settings on August 26 and 27, 1974. As disclosed by the records, said Meliton Constantino had not appeared at the any subsequent hearings. Insofar as witness Sixto de la Cruz is concerned, the records show that he never for once attended any hearing of the case. As a matter of-fact, a return

of the subpoena (page 60 of the records of Crim. Case No. 8769) dated April 5, 1974, clearly shows that witness De la Cruz ‘could not be located’ at the address given in the records. Subpoenas sent to both witnesses were either received and not obeyed or were returned with the information that they could not be located at the address indicated therein.”

After due investigation, the Secretary of Justice found respondent guilty of the charges and recommended that he be suspended for a period of four (4) months. On respondent’s failure to present the two eyewitnesses to the crime, the Justice Secretary, in his letter to the President, dated February 10, 1989, had this to say:

“In support of the administrative complaint against Fiscal Quilatan, Meliton Constantino testified that he saw the accident that resulted in the death of Elviro Bautista but he was never called up to testify in the trial of the case against the driver; that every time he went to court for the trial, complainant, his daughter-in-law and Sixto de la Cruz were his companions; that the trial of the case was repeatedly postponed for various reasons, for instance, that the judge had a conference, that the defense counsel was indisposed, and that, at one time, the mother of the judge died; that he knew the respondent as the lawyer of the complainant; that he saw complainant and a policeman testify in court; that he did not sign the record (‘expediente’) because, no one ever asked him to do so; and that he failed to attend the trial only once, and he attended all other trials of the case pursuant to court subpoenas.

“Sixto de la Cruz also testified that he lived in Buli, Muntinlupa, Rizal before he transferred to San Antonio, Agos Bato, Camarines Sur, after Christmas of 1974; that he saw how the son of complainant was bumped by a jeepney; that he was not called upon to testify at the trial of the case although he attended the trial 4 or 5 times while he was still residing in Muntinlupa, Rizal, and 7 or 8 times when he was already residing in Camarines Sur; that in attending the trial, he was always with Alfredo Bautista, his wife and Meliton Constantino; that a relative of Antonio Bautista used to fetch him from Bicol for the trial; that he remembered having received subpoenas from the court but could not remember how many; that he came to know Fiscal Quilatan because of the case; that while he did see him many times in the sala of Judge Medialdea, he had no occasion to talk to Fiscal Quilatan; that he could not remember whether he signed the ‘expediente’; that he was not required to sign the same after attending the trial; and that whenever the trial was postponed, he was informed by complainant of the next hearing.

“On cross-examination, Sixto de la Cruz testified on the interior appearance of the court room and averred that the judge was usually attired in ‘barong tagalog’ or ‘polo barong’; that the judge is an old man because he has ‘white’ hair; that Mr. Bautista, Pat. Manuel and Dr. Uy testified at the trial of the case; that he did not attend the trial set for February 4, 1976 since nobody fetched him from Bicol; and that the reasons for the postponements of the trial were either relayed to him by the complainant or he heard them personally in the courtroom.

“x x x

x x x

x x x

“The respondent did not give any self-serving reason or improper motive why said witnesses and complainant testified in the manner depicted in the records of the present administrative case. Complainant, a carpenter, and said eye-witnesses, mere gardeners, were simple folk, and their testimonies were simple and straightforward. They lack the sophistication to needlessly complicate matters by giving false testimonies in the present administrative case.”

Further, the Justice Secretary aptly observed:

“Even assuming, as claimed by respondent fiscal, that eye-witnesses De la Cruz and Constantino willfully refused to appear in court in open defiance of the subpoenas issued by the court, it was incumbent upon him to ask the court to use its coercive powers to secure the compulsory attendance of material witnesses in criminal cases. On cross-examination, the fiscal admitted that he did not do so. This is indicative and conclusive of negligence and inefficiency in the performance of official duty. x x x.

“Indeed, the fact that respondent fiscal never asked the court to exercise its inherent powers to compel the attendance of eye-witnesses De la Cruz and Constantino, negates the claim that they refused willfully to appear in court fourteen (14) times, and supports the testimonies of the complainant and said witnesses that the latter were present at all the hearings except that one set on February 4, 1976, when the fiscal, contrary to the role of a conscientious prosecuting officer, rested the prosecution’s case without asking for a further setting to to enable said vital eye-witnesses to come to court and give their testimonies.”

After careful study, I concur in the findings of the Secretary of Justice. The evidence conclusively indicates that respondent failed to present the two witnesses to the crime, Meliton Constantino and Sixto de la Cruz, whose testimonies were crucial to the prosecution’s cause, despite their repeated appearance during the several hearings of the case. Respondent’s failure in this regard is proof of his negligence and inefficiency in the performance of official duties as a public prosecutor.

I disagree, however, with the penalty of four (4) months’ suspension recommended by the Secretary of Justice. While respondent’s failure to present the eyewitnesses, had it been deliberate, could have easily merited his dismissal from the service, yet it cannot be denied that his negligence resulted in the dismissal of the criminal case and the consequent denial of justice to the victim of the crime and his heirs.

WHEREFORE, Assistant Provincial Fiscal LEODEGARIO C. QUILATAN of Rizal is hereby SUSPENDED from the service for a period of ONE (1) YEAR with forfeiture of pay and allowances, effective upon receipt of a copy hereof.

Done in the City of Manila, this 20th day of September, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 141

**DIRECTING THE DEPARTMENT OF JUSTICE TO INVESTIGATE THE CONDUCT OF THE
AUGUST 1989 MEDICAL BOARD EXAMINATIONS, PARTICULARLY ON THE ALLEGED
VIOLATION OF THE THREE-TIME FLUNKER'S RULE UNDER SECTION 21 OF THE
MEDICAL ACT OF 1959, AS AMENDED**

The Department of Justice (hereinafter referred to as the Department) is hereby directed to investigate the conduct of the August 1989 Medical Board Examinations, particularly on the alleged violation of the three-time flunker's rule under Section 21 of the Medical Act of 1959, as amended, with the end in view of filing administrative cases against Presidential and non-presidential appointees who, under the circumstances, appear to be liable for the violation of the aforesaid law.

For the purpose of the investigation, the Secretary of Justice or the investigator(s) duly designated by him from among his Undersecretaries, is hereby granted all the powers of an investigating body under Sections 71 and 580 of the Revised Administrative Code, including the power to summon witnesses, administer oaths, take testimony or evidence relevant to the investigation, and to obtain compulsory processes to produce documents, books, records and such other matters in the performance of its functions.

All the departments, bureaus, offices, agencies or instrumentalities including government owned or controlled corporations are hereby directed to extend such assistance and cooperation as the Department may need in the discharge of its functions. For this purpose, the Department is hereby authorized to detail any personnel from any government office to assist in the investigation.

The Secretary of Justice shall submit his findings and recommendations to the President of the Philippines within thirty (30) days from date hereof.

DONE in the City of Manila this 29th day of September, in the year of Our Lord, nineteen hundred and eighty nine.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 142
POLICY AND IMPLEMENTING GUIDELINES GOVERNING LIVELIHOOD
PROGRAMS AND PROJECTS

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

1. The Policy Guidelines Governing Livelihood Programs and Projects as contained in Cabinet Resolution No. 29 (November 9, 1988), as amended, as approved and adopted by the President and the Cabinet are hereby reiterated. Cabinet Resolution No. 29, “Approving a Set of Policy Guidelines Governing Livelihood Programs and Projects”, as amended, is attached hereto and made an integral part hereof.

2. Pursuant to Cabinet Resolution No. 29, the following implementing guidelines, which were approved in principle by the President and the Cabinet per Cabinet Resolution No. 26, Series of 1989 (July 26, 1989), are hereby issued:

A. OBJECTIVE

(1) To rationalize and coordinate all livelihood development programs and projects undertaken by the government in order to focus properly government activities and resources towards the smooth and cost-effective implementation of these programs and projects.

B. COVERAGE

These implementing guidelines shall apply to all government agencies and instrumentalities undertaking livelihood programs and projects consistent with their principal mandates and functions. Programs funded by contributions from members are not covered.

C. DEFINITION OF TERMS

(1) Livelihood Programs and Projects – Livelihood programs and projects include all those schemes which aim to create employment opportunities through the provision of a package of integrated services, i.e. Technical, financial and other assistance that promote the establishment of income-generating activities for poverty/marginal groups. These schemes can either be directly providing livelihood assistance, or indirectly implementing livelihood programs as part of the bigger programs undertaken by government agencies in line with their principal mandates. Specifically, the basic elements of a livelihood program/project are:

- a. by target clientele – the welfare and marginal sector such as the disadvantaged, poverty and non-bankable groups;
- b. by type of project – based on an economic activity that generates a product or service for which a market exists and is expected to realize a positive net-income;
- c. by type of assistance – provision of an integrated package of financial, technical, management, marketing or training assistance based on beneficiaries’ needs. If required assistance component can not be provided by the agency, the same agency shall refer the beneficiaries to other agencies providing such assistance; and

- d. by end-result – enables end-beneficiaries to be employed or to engage in income-generating activities on their own.
- (2) Non-Government Organizations (NGOs) – Non-Government Organizations are private, nonprofit, voluntary organizations that are committed to the task of socio-economic development and established primarily for service. Cooperatives shall be considered as NGOs for purposes of this definition.
 - (3) Micro enterprises – enterprises with total assets of ₱50,000 or less before financing.
 - (4) Cottage enterprises – enterprises with total assets of more than ₱50,000 but not more than ₱500,000 before financing.
 - (5) Accredited financial institutions – government and private financial institutions performing lending services which have been accredited by the government, e.g. the Central Bank, the Land Bank and the Development Bank of the Philippines.
 - (6) Disadvantaged, poverty and non-bankable groups – those who can not seek wage employment either because they are uneducated, unskilled, or lack the necessary qualifications to compete in the formal labor market and those who can not put up their own business concerns because they lack either the financial capital, the borrowing/credit capability required by lending institutions, and/or the entrepreneurial ability – such as disabled persons, cultural minorities, upland farmers, municipal fishermen, and landless workers.

D. TARGET BENEFICIARIES

- (1) The primary program beneficiaries shall be the unemployed and underemployed in the marginalized sector.
- (2) Livelihood programs and project assistance should primarily cater to eligible micro and cottage enterprises, both existing and proposed to be established.

E. AREA FOCUS

Priority shall be given to poverty-stricken areas or areas where a large number of unemployed and underemployed are located.

F. PRIVATE SECTOR PARTICIPATION

- (1) Non-government organizations' participation shall be subject to the Guidelines For Government Organization And Non-Government Organization (GO-NGO) Collaboration as provided in NEDA Board Resolution No. 2 (S. 1989).
- (2) To the implementation of lending programs assisted by accredited financial institutions and/or NGOs, financing institutions/NGOs should be involved in all stages of program development.
- (3) Only accredited NGOs which met the eligibility requirements of the agencies concerned will be tapped as conduits of government agency funds.

G. AGENCY RESPONSIBILITIES

- (1) The Department of Agriculture (DA), Department of Education, Culture and Sports (DECS), Department of Labor and Employment (DOLE), Department of Trade and Industry (DTI), Department of Agrarian Reform (DAR), Department of Local Government (DLG), Department of Environment and Natural Resources (DENR) and Department of Social Welfare and Development (DSWD) and the Office of the President (OP) are designated as primary agencies responsible for the execution of livelihood programs and projects. Other agencies not mentioned are not allowed to implement their own livelihood programs and projects. However, their ongoing livelihood programs and projects shall be allowed to continue but only up to December 31, 1989. From then on,

they shall work through any of the nine primary agencies to ensure non-duplication and equitable distribution of services to priority areas.

- (2) The extent of agency responsibility over livelihood programs and projects shall involve the provision of a package of integrated services which includes financial, technical, and other assistance. Each agency shall primarily cater to the following target beneficiaries, namely:
 - a. Department of Agriculture – farmers and fishermen;
 - b. Department of Education, Culture and Sports – unemployed and underemployed out-of-school youth;
 - c. Department of Labor and Employment – out-of-school youth, unemployed, underemployed, returning overseas workers and self-employed workers;
 - d. Department of Trade and Industry – micro and cottage entrepreneurs;
 - e. Department of Agrarian Reform – agrarian reform beneficiaries;
 - f. Department of Local Government through the Local Government Units (LGUs) – marginal groups in depressed localities;
 - g. Department of Environment and Natural Resources – kaingineros, upland farmers and small-scale miners;
 - h. Department of Social Welfare and Development – socially disadvantaged family heads, women, disabled persons, elderly and youth who do not have access to and are not eligible for any livelihood assistance of other agencies, or need social work intervention prior to and during their engagement in income generating activities; and
 - i. Office of the President – marginal producers, farmers, small entrepreneurs (micro-entrepreneurs), and other sectors whom the President wishes to prioritize consistent with her social development agenda.

While agencies may have the same target beneficiaries, there shall be no duplication in terms of program location and/or assistance whenever possible, to ensure the equitable distribution of livelihood opportunities.

- (3) The implementing government agencies should initiate programs and projects for sustained capability-building for NGO participants and target beneficiaries in the management of livelihood programs and projects.
- (4) The implementing agencies at the various levels of government should be made responsible for selecting accredited financial institutions and NGOs participating as conduits of government lending activities.
- (5) Information centers of livelihood programs and projects should be set up with the implementing agencies and information exchange among government agencies should be continuously improved.
- (6) Extension services should be provided until beneficiaries are on their own.

H. GOVERNMENT LENDING

- (1) Government agencies shall not be involved in direct (retail) lending activities except the Department of Social Welfare and Development. All other government agencies should wind up their direct lending activities by 31 December 1989. Their subsequent lending activities should be extended through accredited financial institutions and/or NGOs subject to the implementing agencies' mandates and existing lending guidelines.
- (2) Lending programs should be self-sufficient and self-sustaining. The relevant parameters to be considered are the repayment rate, the interest rate, and the administrative cost of loan provision, among others.

- (3) Credit arrangements for government livelihood programs and projects shall be governed by specific agency guidelines. Terms of lending such as equity contribution, collateral, interest rate to be charged and other borrowing requirements shall be subject to negotiations between the implementing agency and the accredited PFI/NGO.
- (4) Whenever applicable, accredited financial institutions and/or NGOs participating as conduits in the project must share a portion of the funding requirements and/or the risks involved in the project.
- (5) Costs related to institution/capacity building such as training, fund-handling, management, and other related activities, shall be borne by the concerned government agency.

I. COORDINATING MECHANISMS

- (1) The NEDA Board's Committee on Social Development (SDC) Secretariat, the Regional Development Councils, the Provincial Development Councils, and the Municipal Development Councils are designated as the coordinating mechanisms for livelihood development programs and projects at the national, regional, provincial and municipal levels, respectively. They shall be tasked to recommend appropriate policies and guidelines to further rationalize and coordinate livelihood programs and projects.
- (2) The nine major implementing agencies responsible for the execution of livelihood programs/projects should coordinate with other concerned government agencies in their respective sectors.
- (3) The implementing agencies shall coordinate all the activities pertaining to the implementation of their livelihood programs and projects.

J. REPORTING, MONITORING AND EVALUATION

- (1) The NEDA Board's Committee on Social Development, Regional Development Councils, Provincial Development Councils and Municipal Development Councils shall be responsible for the monitoring and evaluation of the livelihood programs and projects to the national, regional, provincial and municipal sub-regional levels, respectively.
- (2) Implementing agencies at the national level shall report to the Committee on Social Development on a quarterly basis. Simultaneously, field offices of implementing agencies at the national level shall report to the appropriate social development committee/council also on quarterly basis. The Committee on Social Development, in turn, shall consolidate the national, regional and sub-regional inputs for submission to the President and the Cabinet on a semestral basis.
- (3) The relevant monitoring parameters shall include the number of project beneficiaries, location of the project, number of jobs generated, type of assistance given, among others.

3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 9th day of October, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 143
SUSPENDING AVITO S. SACLAUSO, REGISTER OF DEEDS OF THE PROVINCE OF ILOILO.

This is an administrative case for grave misconduct/dishonesty against Atty. Avito S. Saclauso, Register of Deeds of Iloilo and former Acting Register of Deeds of Iloilo City.

Records show that, in a letter of March 13, 1986, a certain Atty. Gregorio G. Tronco, for and in behalf of Ms. Romana Fernandez, sought the investigation of the alleged “anomalous and fraudulent manner” by which Original Certificate of Title (OCT) No. RO-69 was reconstituted by respondent, then the Acting Register of Deeds of Iloilo City. Atty. Tronco specifically questioned (1) the issuance of the reconstituted certificate of title in the name of Mr. Bernardo Sioson and not in the name of Ms. Teodora Sioson, the registered owner of the land covered by OCT No. RO-69 and (2) the transcription of the reconstituted title in the Registration Book of the Iloilo City Registry of Deeds on April 23, 1984, or six (6) months before the issuance by the Regional Trial Court of Iloilo City of the order of October 19, 1984, directing the reconstitution of said title.

Consequently, on March 31, 1987, the National Land Titles and Deeds Registration Administration (NLTDRA), through its Administrator, Teodoro G. Bonifacio, directed Atty. Grace H. Estrella of the NLTDRA Inspection and Investigation Division to conduct a factual investigation of the circumstances surrounding the irregular reconstitution of OCT No. RO-69 in the name of Bernardo Sioson.

In her Investigation Report of May 13, 1987, Atty. Estrella stated that, on November 23, 1984, Mr. Bernardo Sioson presented to respondent, then the Acting Register of Deeds of Iloilo City, the order, dated October 19, 1984, of the Regional Trial Court (RTC) of Iloilo City in Cadastral Case No. 7 directing respondent, upon receipt of the report and recommendation of the Land Registration Commission and payment of legal fees, to reconstitute the original copy of OCT No. RO-69 covering Lot No. 380 of the Cadastral Survey of Iloilo Cad. No. 24, AD-06-00622 situated in the District of Arevalo, Iloilo City, and registered in the name of Teodora Sioson, as the basis for the reconstitution of said OCT was the Plan and Technical Description duly approved by the Bureau of Lands. Said Investigation Report further disclosed that Mr. Gerardo C. Tohay, Records Officer II in the Registry of Deeds of Iloilo City, examined the document and forwarded the same to respondent with a recommendation for its registration. On April 23, 1984, respondent caused the reconstitution of OCT No. RO-69 in the name of Mr. Bernardo Sioson, signed the same, and released it to the said Mr. Sioson.

On the basis of the aforesaid Investigation Report, NLTDRA Administrator Bonifacio formally charged respondent with grave misconduct/dishonesty on June 10, 1987.

In his answer of June 29, 1987, respondent attributed the issuance of the reconstituted title in the name of Mr. Bernardo Sioson to mere oversight. He averred that, in most cases for the reconstitution of certificate of title, the petitioner and the registered owner of the land covered by the certificate sought to be reconstituted are usually one and the same person and that, in the review of the documents, he (respondent) must have been misled by the name “Bernardo Sioson” appearing in the title of Cadastral Case No. 7 in the court order dated October 19, 1984 and in the undated Entry of Judgment issued by

the RTC Branch Clerk of Court. Respondent further explained that the reconstituted title was actually issued on April 23, 1985, and not on April 23, 1984, more than two (2) months after February 4, 1985, when the court order, dated October 19, 1984, became final and executory, and he attributed the mistake to a “simple typing error”.

No formal investigation was conducted in the instant administrative charge, as respondent opted to waive his right thereto and, instead, submitted his case for resolution on the basis of his Answer.

After due evaluation, NLTDR Investigator Estrella, in her subsequent Report of November 28, 1987, found that, with regard to the erroneous issuance of the reconstituted title in the name of Bernardo Sioson, respondent was not motivated by any personal interest or intention to favor a third party. She likewise opined that the date “April 23, 1984” appearing in OCT No. RO-69 is a typographical error and should read “April 23, 1985”. She also found worthy of belief respondent’s explanation that his erroneous issuance of the reconstituted title in the name of Bernardo Sioson and not in the name of Teodora Sioson was due to oversight. She thus recommended that respondent be found guilty merely of the lesser offense of gross negligence and be meted the penalty of six (6) months’ suspension from office, which recommendation was concurred in by the NLTDR Administrator in his letter of February 15, 1988 to the Secretary of Justice.

Nonetheless, the Honorable Secretary of Justice made the following comments/observations and recommendation:

“The foregoing notwithstanding, respondent Saclauso cannot be said to be entirely free from fault for the reason that the errors he committed related to factual information verifiable from the documents presented to him. However, there is no showing that he deliberately committed the errors and that he committed them for pecuniary consideration to favor a particular party. He appeared to have acted in good faith.

“Considering, therefore, that this administrative case constitutes respondent Saclauso’s first offense; that he has been in the government service for eighteen (18) years; and that he committed the errors in good faith, respondent Saclauso may be found guilty of the less grave offense of gross negligence and the penalty of suspension for one (1) month without pay prescribed by the provisions of Civil Service Commission Memorandum Circular No. 8, series of 1970, may be imposed upon him.

“Accordingly, it is respectfully recommended that the respondent, Atty. Avito S. Saclauso, be found guilty of gross negligence and that the penalty of suspension for one (1) month without pay be imposed upon him.”

After a careful review, I concur in the findings of the Secretary of Justice that respondent Saclauso is guilty of the offense of gross negligence, instead of the more serious offense of grave misconduct/dishonesty. However, I find the penalty recommended by the Secretary of Justice to be not commensurate with the nature of the offense committed by the respondent. The issuance of land titles and the transcription thereof in the Registration Book are among the principal duties of a Register of Deeds which require utmost care and diligence as property rights, if not the integrity of the entire land registration system itself, are involved therein.

WHEREFORE, in view of the foregoing, respondent Atty. Avito S. Saclauso is hereby suspended from office as Register of Deeds of Iloilo for six (6) months without pay and allowances, effective upon receipt of a copy thereof.

SO ORDERED.

Manila, Philippines

October 17, 1989

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 144
PLACING THE KALINGA SPECIAL DEVELOPMENT AUTHORITY UNDER THE PROVINCIAL
GOVERNMENT OF KALINGA-APAYAO

WHEREAS, Presidential Decree No. 848, dated 12 December 1975, as amended by Executive Order No. 302, dated 26 July 1987, created the Kalinga Special Development Authority (KSDA) to accelerate socio-economic growth and development of eight (8) towns in Kalinga-Apayao for purposes of improving the quality of lives of their inhabitants.

WHEREAS, Section 2 of Executive Order No. 302 provides for the transfer of the KSDA to the appropriate unit within the Cordillera Administrative Region (CAR) and which shall be under the supervision of the President of the Philippines.

WHEREAS, the KSDA and the Provincial Government of Kalinga-Apayao have almost identical objectives that of hastening the growth and development of an area in Kalinga-Apayao; enabling its inhabitants to participate more actively in the national development efforts; and coordinating with other government agencies, departments and instrumentalities in the implementation of comprehensive development programs, projects and activities in the area.

WHEREAS, the National Economic and Development Authority (NEDA) has adopted a policy of transferring the responsibility for over-all coordination, direction, and supervision of single province integrated area development (IAD) projects to the respective Provincial Governments per NEDA Resolution No. 68-88.

WHEREAS, the functions of KSDA are in fact inherently vested in the reorganized Provincial Development Council (PDC).

WHEREAS, there is an urgent need to place the KSDA under the supervision and control of the Provincial Government of Kalinga-Apayao to enable the two offices to undertake an integrated approach and direction towards the development of Kalinga-Apayao.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

1. The Kalinga Special Development Authority is hereby placed under the supervision and control of the Provincial Government of Kalinga-Apayao which shall be the appropriate unit within CAR where KSDA shall be transferred pursuant to Executive Order No. 302.

2. The appointed members of the Governing Council and Administrator of KSDA shall report to the Provincial Development Council (PDC) of Kalinga-Apayao.

3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 23rd day of October, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 145
FURTHER AMENDING ADMINISTRATIVE ORDER NO. 100 DATED DECEMBER 2, 1988,
AS AMENDED

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The first paragraph of ADMINISTRATIVE ORDER NO. 100 is hereby amended insofar as the composition of the Committee is concerned, as follows:

“Department of Foreign Affairs	–	Chairman
Department of Finance		
Department of Justice		
Department of Agriculture		
Department of Labor and Employment		
Department of National Defense		
Department of Health		
Department of Trade and Industry		
Department of Local Government		
National Economic and Development Authority	–	Members”

SEC. 2. Letter “I” of the third paragraph of ADMINISTRATIVE ORDER NO. 100 is hereby amended to read as follows:

“1. Department of Justice in coordination with the Department of Foreign Affairs and Department of National Defense – Appropriate measures regarding ownership and removal of properties within the US military facilities in Philippine bases.”

SEC. 3. A new paragraph is hereby added after the fourth paragraph of Administrative Order No. 100, as amended, to read as follows:

“The Advisory and Administrative Support Office (AASO) for the Philippine Representation to the Military Bases Agreement Joint Committee created by Executive Order No. 928 dated December 28, 1983 is hereby designated as the support arm of the Committee, in addition to its other functions.”

SEC. 4. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 28th day of November, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 146
CREATING A PRESIDENTIAL COMMISSION TO CONDUCT A FACT-FINDING
INVESTIGATION OF THE 1989 REBELLION

WHEREAS, the latest attempt to overthrow the Philippine government is the boldest and bloodiest move against the new democracy;

WHEREAS, the loss of lives, destruction of properties and the social and economic damage brought about by the recent rebellion require a thorough investigation of all the facts and circumstances surrounding the rebellion;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There is hereby created a Presidential Commission, hereinafter referred to as the Commission, to conduct a fact-finding investigation of the 1989 rebellion and the involvement of military and civilian officials, and private persons therein.

The Commission shall be composed of:

Chairman	:	Hilario G. Davide Jr.
Members	:	(a) Ricardo J. Romulo (b) Leonardo Z. Legaspi (c) Carolina G. Hernandez (d) Delfin L. Lazaro

Section 2. The Commission is hereby granted the powers of an investigating body under Section 37, Chapter 9, Book I of the Administrative Code of 1987 including the power to summon witnesses, administer oaths, take testimony or evidence relevant to the investigation, and to issue compulsory processes to produce documents, books, records and such other matters, in the performance of its functions.

Any person who, without lawful excuse, fails to appear upon summons issued under the authority of the preceding paragraph or who, appearing before the Commission, refuses to take oath, give testimony or produce documents for inspection, when thereunto lawfully required, shall be subject to discipline as in the case of contempt of court upon application of the Commission before the proper court, in the manner provided for by law.

Section 3. The Commission is hereby authorized to engage the services of resource persons, professionals and other personnel which may be necessary to carry out its functions.

Section 4. The Office of the President shall establish a Special Secretariat for the technical and staff support of the Commission. For this purpose, the Executive Secretary is hereby authorized to detail any personnel from any government office to assist the Commission.

Section 5. The Commission is hereby authorized to deputize the Armed Forces of the Philippines, the National Bureau of Investigation, the Philippine Constabulary, and any other law enforcing agency to assist it in the performance of its functions.

Section 6. The departments, bureaus, offices, agencies or instrumentalities including government owned or controlled corporations are hereby directed to extend such assistance and cooperation as the Commission may need in the discharge of its functions.

Section 7. The Office of the President shall provide the necessary funds for the operations of the Commission.

Section 8. The Commission shall evaluate all the facts and circumstances surrounding the rebellion and submit its findings and recommendations to the President of the Philippines.

Section 9. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 6th day of December, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 147

**RECONSTITUTING THE MEMBERSHIP OF THE RIZAL DAY NATIONAL COMMITTEE IN
CONNECTION WITH THE OBSERVANCE OF THE 93RD DEATH ANNIVERSARY OF DR.
JOSE P. RIZAL ON DECEMBER 30, 1989.**

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby reconstitute the membership of the Rizal Day National Committee in connection with the observance of the 93rd Death Anniversary of Dr. Jose P. Rizal on December 30, 1989, as follows:

Hon. LOURDES R. QUISUMBING	–	Chairperson
Secretary of Education, Culture & Sports		
Hon. GUILLERMO N. CARAGUE	–	Member
Secretary of Budget and Management		
Hon. ADOLFO S. AZCUNA	–	Member
Press Secretary		
Hon. JOSE MABANTA	–	Member
Undersecretary of Public Works & Highways		
Hon. ROLLEO IGNACIO	–	Member
Undersecretary of Local Government		
Hon. NARZALINA Z. LIM	–	Member
Undersecretary of Tourism & Acting Chairman, National Parks Development Committee		
Hon. LETICIA ANGARA MOISES	–	Member
Undersecretary of Social Welfare & Development		
Hon. SERGIO A. BARRERA	–	Member
Chief of Presidential Protocol		
Hon. ELFREN S. CRUZ	–	Member
Governor, Metropolitan Manila Commission		
Hon. GEMILIANO C. LOPEZ, JR.	–	Member
Mayor of Manila		
Justice CONRADO VASQUEZ	–	Member
Supreme Commander of the Knights of Rizal		
Mrs. ESTHER A. VIBAL	–	Member
President of the Civic Assembly of Women of the Philippines		
Mr. SERAFIN QUIASON, JR.	–	Member
Chairman, National Historical Institute		
Mr. TEODORO LOCSIN, SR.	–	Member

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 7th day of December, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 148
REMOVING MR. DOMINGO CABALI, JR., FROM OFFICE AS ASSISTANT CITY
FISCAL OF OLONGAPO CITY.

Third Assistant City Fiscal Domingo Cabali, Jr., of Olongapo City is charged by his superior, Chief State Prosecutor Fernando P. De Leon, with insubordination, inefficiency and gross neglect of duty.

Records show that, as far back as 1980, when he was still an Acting 4th Assistant City Fiscal of Olongapo City, Fiscal Cabali had been reminded by his superior of his repeated tardiness in reporting for work. In a memorandum of July 22, 1985, the OIC, Olongapo City Fiscal's Office, again called Fiscal Cabali's attention to his irregularity in observing office hours, with the statement that, "[i]f you feel it is impossible for you to break this habit, you are advised to seek another employment where you can come at any time you want." This was followed by another memorandum, dated November 21, 1985, directing Fiscal Cabali "to explain why you have always been late in reporting for work" and reminding him of previous oral and written admonitions about his punctuality. Still, in another memorandum, dated July 15, 1987, Olongapo City Fiscal Lino M. Mayo, again called Fiscal Cabali's attention to his tardiness and directed him to submit his resolution in I.S. No. 37-384 entitled "Alma del Rosario vs. Gregorio Sarne" after failing to take any action thereon despite non-submission by respondent Sarne of any counter-affidavit.

Informed of Cabali's tardiness and his failure to act on I.S. No. 37-384, the Chief State Prosecutor no less, in a 2nd indorsement of August 11, 1987, similarly reminded Fiscal Cabali that "frequent unauthorized absences and tardiness, unreasonable delay in the disposition of cases and insubordination are grounds for disciplinary action."

On April 17, 1989, another memorandum was addressed by the new City Fiscal Vivencio S. Baclig to Fiscal Cabali, this time directing the latter to resolve fourteen (14) cases assigned to him which have been pending for more than two (2) years, at least five (5) of which were pending with him as far back as 1985. In the same Memorandum, copy of which was furnished the Chief State Prosecutor, City Fiscal Baclig invited Fiscal Cabali's attention to Department (of Justice) Circular No. 31, series of 1988, with a warning that his failure to resolve said 14 cases on or before May 5, 1989, shall constrain the City Fiscal "to recommend that administrative sanctions be imposed upon you (Fiscal Cabali) for gross neglect of duty and/or inefficiency in the performance of your functions."

On May 9, 1989, Fiscal Baclig again addressed another memorandum to Fiscal Cabali, requiring him to resolve on or before May 31, 1989, seventeen (17) cases therein enumerated "which have been pending with you for preliminary investigation for more than one (1) year already." As before, the City Fiscal warned Fiscal Cabali that further delay in the resolution of those cases will constrain him to recommend to the Secretary of Justice and the Chief State Prosecutor the imposition of administrative sanctions against Fiscal Cabali "for gross neglect of duty and/or gross inefficiency in the performance of your functions." In the same memorandum, the City Fiscal reminded Fiscal Cabali that "you have

still eight (8) unresolved cases which had been pending with you for more than two (2) years already despite a prior memorandum requiring you to finish them on or before May 5, 1989.”

Eventually, on May 23, 1989, City Fiscal Baclig reported to the Chief State Prosecutor that, as of said date, and despite previous reminders, Fiscal Cabali had a total backlog of twenty-eight (28) cases which have been unresolved for more than one (1) year, one of which was filed and has been pending since 1985. The matter was brought to the attention of the Secretary of Justice by the Chief State Prosecutor thru a memorandum of May 23, 1989, whereunder the latter recommended that Fiscal Cabali’s salary for the month of May and succeeding months be withheld until his backlog shall have been disposed of. In a marginal note written on the same memorandum, bearing date May 24, 1989, Secretary of Justice Sedfrey Ordoñez directed the Chief State Prosecutor to require Fiscal Cabali to “show cause within 72 hours why he should not be dismissed from the service.” In compliance therewith, the Chief State Prosecutor, in a letter of May 29, 1989, required Fiscal Cabali to explain within seventy-two (72) hours why no administrative disciplinary action should be taken against him “for your failure to resolve cases submitted for resolution and to terminate cases pending preliminary investigation within the reglementary period prescribed under Department Circular No. 27, series of 1988.” Despite receipt of said letter, Fiscal Cabali made no explanation whatsoever, thereby effectively waiving his right to be formally heard and thus virtually submitting the charges against him on the basis of evidence appearing on record.

In a Memorandum for the President, dated September 7, 1989, Secretary of Justice Sedfrey Ordoñez recommended the dismissal of Fiscal Cabali from the service for insubordination and gross neglect of duty. The Secretary stressed that:

“In the discharge of their official duties and obligations, government officials/employees are expected to obey lawful orders from their superiors. Nothing can be more important than the firm enforcement of wholesome and reasonable office rules and regulations, if we are to maintain order and discipline in the public service. To permit any public official to disregard with impunity lawful orders of his superior is certainly demoralizing and prejudicial to the interest of the service. Personal sacrifice should be the rule rather than the exception for public servants.

“It is in this score that we find Fiscal Cabali most wanting, aside from the unreasonable delays he incurred in terminating/resolving cases assigned to him.”

After careful study, I concur in the findings and recommendation of the Secretary of Justice. Indeed, there is much to be desired in the conduct of respondent fiscal in repeatedly disregarding the official directives of his superiors admonishing him to speedily resolve the several pending cases assigned to him. Respondent’s failure in this regard is proof of his gross neglect of duty and contempt for lawful orders of his superiors.

WHEREFORE, and as recommended by the Secretary of Justice, Mr. Domingo Cabali, Jr., is hereby REMOVED from office as Assistant City Fiscal of Olongapo City, effective upon his receipt of a copy hereof.

Done in the City of Manila, this 13th day of December, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 149

**DIRECTING THE NATIONAL SECURITY DIRECTOR TO PROVIDE GUIDANCE AND
DIRECTION TO THE OPERATIONS OF THE NATIONAL INTELLIGENCE COORDINATING
COUNCIL AND THE INTELLIGENCE COMMUNITY**

WHEREAS, close and effective working relations between the President and members of the National Security Council (NSC) on the one hand, and the National Intelligence Coordinating Council (NICA) and members of the Intelligence Community on the other must be established;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby direct the National Security Director to provide regular guidance and direction to the National Intelligence Coordinating Council (NICA) and members of the Intelligence community.

The National Security Director shall review the organization and personnel assignments and fill-up, as well as plans, programs, and policies of the NICA. He shall oversee its operations, process its reports and the timely dissemination thereof to concerned or action agencies, and take whatever necessary measures to develop NICA and revitalize the national intelligence effort.

The National Security Director, working closely and jointly with the Secretary of Justice and the Secretary of National Defense, shall review the plans, programs and budget of the Intelligence Community, conduct periodically an audit of its overall performance, and undertake such other tasks as may be necessary to ensure that its activities are responsive to the needs and requirements of the President and the National Security Council.

In the performance of his tasks, the National Security Director may avail of the services and facilities of the other agencies and departments of the Government.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 20th day of December, in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1989). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 150

**DELEGATING TO THE SECRETARY OF NATIONAL DEFENSE THE AUTHORITY TO
APPROVE THE COMPULSORY RETIREMENT OF MEMBERS OF THE ARMED FORCES OF
THE PHILIPPINES**

WHEREAS, Presidential Decree No. 1638 as amended by PD 1650 also known as the AFP Military Personnel Retirement and Separation Decree of 1979 provides in its Section 5.a. that:

“SECTION 5.a. Upon attaining fifty-six (56) years of age or upon accumulation of thirty (30) years of satisfactory active service, whichever is later, an officer or enlistedman shall be compulsorily retired: provided, that such officer or enlistedman who shall have attained fifty-six (56) years of age with at least twenty (20) years of active service shall be allowed to complete thirty (30) years of service but not beyond his sixtieth (60) birthday; Provided, however, That such military personnel compulsorily retiring by age shall have at least twenty (20) years of active service; Provided, further, That a statutory position shall be deferred until completion of the tour of duty prescribed by law; and, Provided, finally, That the active service of military personnel may be extended by the President, if in his opinion, such continued military service is for the good of the service.”

WHEREAS, the practice has been to secure Presidential approval of the compulsory retirement of military personnel;

WHEREAS, this practice must now yield to government's policy of decentralization and administrative delegation of functions, especially when viewed in the light of Section 5(5) of Article XVI of the 1987 Constitution which prohibits the extension of service of officers of the AFP who have reached the date of their compulsory retirement;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby delegate to the Secretary of National Defense the authority to approve the compulsory retirement of officers and enlistedmen of the Armed Forces of the Philippines, in accordance with the existing laws on retirement. The Secretary of National Defense is likewise empowered to promulgate specific rules and regulations to carry out this delegation of authority.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 4th day of January, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 1 - 150]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 151

**CREATING THE TASK FORCE FOR THE PROJECT: “ALAY NG KABATAAN SA BAYAN”
(AKBAYAN) LAUNCHING THE DECADE OF PHYSICAL FITNESS AND SPORTS: 1990-2000**

WHEREAS, Proclamation No. 406 dated May 3, 1989 declared the period from 1990 to 2000 as the “Decade of Physical Fitness and Sports”;

WHEREAS, Project “Alay ng Kabataan Sa Bayan (AKBAYAN)”, hereinafter referred to as the Project, was conceptualized as a project to launch the Decade of Physical Fitness and Sports;

WHEREAS, there is a need to create a body tasked to ensure the successful implementation of the said Project;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. There is hereby created the Task Force For the Project “AKBAYAN”, hereinafter referred to as the Task Force, to be composed of the following:

The Secretary of Education, Culture and Sports	Chairman
The Secretary of National Defense	Member
The Secretary of Local Government	Member
Two representatives from Private Sector to be appointed by the President	Members

Save as otherwise modified by this Administrative Order, Project: AKBAYAN shall follow the concept and mechanics as set forth in the attached Manual of Operations, Project: “Akbayan 1990” (Alay ng Kabataan sa Bayan), Decade of Physical Fitness and Sports, which is made an integral part of this Administrative Order.

Sec. 2. The Task Force shall have the following functions:

- a. To oversee and supervise the implementation of the Project;
- b. To call upon the assistance of any department, agency, office or instrumentality of the government, including local government units and government-owned and/or controlled corporations;
- c. To conduct fund-raising campaigns to support the various activities of the Project;
- d. To engage the services of resource persons, professionals and other individuals necessary to assist it in the performance of its functions.

Sec. 3. The Task Force shall be funded from any appropriate CY 1990 special purpose fund under the Office of the President as may be identified jointly by the Office of Executive Secretary and the Department of Budget and Management.

Sec. 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila this 15th day of January, in the year of Our Lord nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 152
CREATING A NATIONAL COMMITTEE TO TAKE CHARGE OF THE CELEBRATION OF
CONSTITUTION DAY ON FEBRUARY 2, 1990 AND CONSTITUTION WEEK ON
FEBRUARY 2-8, 1990

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Republic of the Philippines, do hereby create a National Committee, hereinafter referred to as the Committee, to take charge of the celebration of Constitution Day on February 2, 1990 and Constitution Week on February 2-8, 1990.

The Committee shall be composed of the following:

HON. CECILIA MUÑOZ PALMA President of the 1986 Constitutional Commission	– Chairman
HON. ADOLFO S. AZCUNA Presidential Spokesman and Member, 1986 Constitutional Commission	– Co-Chairman
HON. ISIDRO CARIÑO Secretary of Education, Culture and Sports	– Member
HON. LUIS T. SANTOS Secretary of Local Government	– Member
HON. FIDEL V. RAMOS Secretary of National Defense	– Member
HON. CHRISTIAN S. MONSOD Private Sector Representative and Member, 1986 Constitutional Commission	– Member

The Committee shall meet at the call of the Chairman or in her absence the Co-Chairman and for purposes of discharging its functions, it may create such sub-committees as may be necessary.

The Committee is hereby authorized to call upon any department, bureau, office or agency or instrumentality of the government including government-owned or controlled corporations, for such assistance as it may need in the discharge of its functions.

DONE in the City of Manila, this 15th day of January, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 153

DIRECTING THE DEPARTMENTS, BUREAUS, OFFICES, AGENCIES OR INSTRUMENTALITIES OF THE GOVERNMENT, INCLUDING GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS, TO EXTEND ASSISTANCE, SUPPORT AND COOPERATION TO THE FACT-FINDING COMMISSION CREATED UNDER REPUBLIC ACT NO. 6832

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby direct the departments, bureaus, offices, agencies or instrumentalities of the government, including government-owned and controlled corporations, to extend assistance, support and cooperation to the Fact-Finding Commission created under Republic Act No. 6832.

The assistance, support and cooperation of all government investigative and prosecutorial agencies, including the National Bureau of Investigation and the Philippine Constabulary/Integrated National Police, shall be governed by Section 12 of Republic Act No. 6832.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 17th day of January, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 154
CREATING A NATIONAL COMMITTEE FOR THE COMMEMORATION OF THE FOURTH
ANNIVERSARY OF THE FEBRUARY 22-25, 1986 REVOLUTION.

WHEREAS, the February 22-25, 1986 Revolution ushered in a new political, social and economic system anchored on democratic tradition;

WHEREAS, there is need to commemorate said occasion in recognition of our people's capacity to transform their way of life and the future of their nation by acting decisively with vision and courage;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby create a National Committee for the commemoration of the Fourth Anniversary of the February 22-25, 1986 Revolution.

The Committee shall be composed of the following:

The Secretary of Tourism	– Chairman
The Head, Presidential Management Staff	– Vice-Chairman
The Secretary of National Defense	– Member
The Secretary of Education, Culture and Sports	– Member
The Secretary of Public Works & Highways	– Member
The Press Secretary	– Member
Four (4) representatives of the private sector to be designated by the President after consultation with the non-government organizations (NGO)	– Members

The Committee shall have the following functions:

1. Formulate and implement a comprehensive plan for the commemoration of the Fourth Anniversary of the February 22-25, 1986 Revolution; and
2. Direct, supervise and coordinate the participation of all sectors who would like to celebrate the Fourth Anniversary of the February 22-25, 1986 Revolution.

The Committee is hereby authorized to call on any government agency for support and assistance in the accomplishment of its tasks.

The Secretary of Budget and Management is hereby authorized to allocate the amount necessary to support this activity.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 17th day of January, in the year of Our Lord, nineteen hundred ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 155
SUSPENDING AMBASSADOR ROMEO O. FERNANDEZ FOR ONE (1) YEAR AND
SUSTAINING THE ORDER OF THE SECRETARY OF FOREIGN AFFAIRS RECALLING
HIM TO THE HOME OFFICE FROM HIS POST AS AMBASSADOR-DESIGNATE TO PERU

This refers to the administrative charges, dated July 15, 1988, filed by the Secretary of Foreign Affairs through the Acting Director General of the Office of Personnel and Administrative Services, against Ambassador Romeo O. Fernandez for “insubordination, dishonesty, and grave misconduct and conduct prejudicial to the best interest of the service.”

Antecedent facts show that, on November 3, 1987, respondent was extended an appointment by the President of the Philippines, as Ambassador Extraordinary and Plenipotentiary to the Republic of Peru upon the recall of Ambassador Ernesto Garrido on September 1, 1987. Pursuant thereto, the Secretary of Foreign Affairs (SFA) issued Assignment Order No. 17-88 and Travel Order No. 88-26, both dated February 15, 1988.

Before respondent could assume his new assignment, the SFA instructed respondent not to proceed to Lima, Peru, on account of an alleged adverse report purportedly submitted by the National Intelligence and Coordinating Agency (NICA) identifying respondent as a probable security risk, in view of his reported intimate association with a Chilean-born Russian national named Tatiana V. Iachina. It appears that the verbal instructions of the SFA are conveyed earlier to the respondent by Undersecretary of Foreign Affairs Manuel T. Yan.

The above instructions notwithstanding, respondent departed for Peru on April 16, 1988. Thereafter, he assumed office as ambassador to Peru and made arrangements with the receiving state (Peru) for the presentation of his credentials.

On April 22, 1988, the Department of Foreign Affairs (DFA), in cable No. L1-02-88-S, directed respondent to return to Manila immediately. Department cable No. L1-03-88-S reiterated the recall order; additionally, respondent was directed not to present his credentials or otherwise to cancel the arrangements for that purpose, if already made.

Not long thereafter, or on April 30, 1988, respondent, by way of reply, requested reconsideration of his recall order and cautioned the DFA that his recall on the eve of presentation of his credentials might be viewed as an unfriendly act. There were other cables from respondent. Nonetheless, respondent’s requests for reconsideration and deferment of his recall order were all rejected by the DFA. He then returned to Manila on June 26, 1988.

Respondent was likewise charged with dishonesty thru misrepresentation in that Maria Romina L. Fernandez, who is listed as respondent’s 3-year old daughter in Travel Order No. 88-26, was averred to be his daughter by Liza L. Fernandez in the child’s passport application when in Birth Certificate D13 I-M10 No. 010124 legalized at the Consular Department of the Ministry of Foreign Affairs of the U.S.S.R. on June 2, 1986, Maria Romina Fernandez, the child, is declared to be the daughter of Romeo Fernandez and Tatiana Vladimirovna Yashina and in the Application For Immigrant Status (September 11, 1987) of one Tatiana V. Iashina a.k.a. Gina Alvarez, respondent declared

Maria Romina Fernandez to be the child of Tatiana V. Iachina. In Note Verbale No. 88-1210, dated March 14, 1988, addressed to the U.S. Embassy and in Note Verbale No. 88-1268, dated March 17, 1988, addressed to the Canadian Embassy, applying for entry visas for Tatiana Iachina, she was described as a landed immigrant when the truth of the matter is that Tatiana entered the Philippines as a temporary visitor (tourist) with a 9(a) visa on November 29, 1986, and was granted a change in status to non-preference quota immigrant under Section 13 of the Philippine Immigration Act only on November 22, 1987. There is a third specification in that “Ambassador Fernandez figured prominently as the spokesman, guarantor and overall protector of Miss Tatiana Iachina from her exit from the USSR, her admission in the Philippines under a tourist visa, her change of status from tourist to quota immigrant, her application for transit visa from the U.S. Embassy and finally, her departure for Lima, Peru.”

The change of grave misconduct and conduct prejudicial to the interest of the service is based on respondent’s public criticisms addressed to the media, his non-reporting to the Department, as Charge d’ Affaires of the Philippine Embassy in Moscow, of activities of employees under him who were close associates of an entrapment group, and the use of threats and intemperate/irresponsible language in official and other communications.

Acting on the administrative complaint, the Board of Foreign Service Administration (BFSA) referred the case for investigation and report to an Investigating Committee. Thereafter, on February 27, 1989, the Board rendered the following findings, as follows:

“The Investigating Committee is fully aware of the previous meritorious service of the respondent who rose from the ranks in the career service until he reached the position of Chief of Mission Class I. He was favorably recommended by Secretary Manglapus to be assigned as Ambassador to Peru and the President signed his letters of credence.

“He openly defied an order of the Secretary not to proceed to Lima, Peru, in view of an adverse information against him and his illicit relations with a Russian citizen. He also refused to return to Manila despite the repeated orders from the Department. It is admitted by the Respondent that Tatiana Iachina was born in Chile. When she became orphaned, she was brought to Russia where she was raised and educated by Russian government authorities.”

The same Board went further to recommend:

“The offenses of insubordination, dishonesty, grave misconduct and conduct prejudicial to the best interest of the service are all grave offenses which call for the imposition of a maximum grave penalty. However, the Board considered his length of service and that it is his first offense as mitigating circumstances. Wherefore, the Board recommends that the proper imposable penalty in this case against respondent is suspension for one year.”

From this resolution, respondent appealed to this Office manifesting his non-conformity to the BFSA resolution of February 27, 1989. The pertinent portion of his letter-memorandum, dated September 22, 1989, reads:

“It may be noted that the Resolution signed by Manuel T. Yaw (sic) as Acting Chairman does not indicate that this was the handiwork of the Board of Foreign Service Administration. Please note that no signatures of the members present and concurring appear in the documents. It may be noted further that on

page 11 of the Resolution the findings is attributed to an Investigating Committee and therefore is not the deliberation of the Board *en banc*. This committee was chaired by the Ex-Justice Jorge Coquia, Assistant Secretary for Legal Affairs, with Ambassador Rosalinda Tirona, Ambassador Ernesto Garrido, Assistant Secretary for Legislative Affairs Vicente de Vera and Deputy Civil Service Commissioner Mario Yangco as members. x x x” [Emphasis by itself]

At the outset, it must be stressed that the Resolution of the BFSa is only recommendatory in nature. Regardless of any error committed by the BFSa during the investigation, it does not preclude the President from exercising her administrative disciplinary authority over respondent who is a presidential appointee. On the other hand, the DFA regulations on administrative disciplinary proceedings against DFA personnel, particularly Sections 441 to 450 of the Foreign Service Code of 1983 and Ministry Order No. 12-85, dated June 5, 1985, being departmental regulations are, by their very nature, subject to the superior administrative disciplinary authority of the President over presidential appointees so much so that, whatever defect, if there be any, in the assailed BFSa resolution, it does not diminish nor supplant the disciplinary authority of the President over presidential appointees, as in the instant case.

This brings to the fore the core issue of whether or not respondent is administratively liable for “insubordination, dishonesty, and grave misconduct and conduct prejudicial to the best interest of the service.”

After going over the records of the case, I concur with the BFSa finding respondent guilty of insubordination, dishonesty and conduct prejudicial to the best interest of the service.

On the charge of insubordination, the evidence incontrovertibly shows that respondent failed to return to the Philippines, despite the recall order of April 22, 1988, prompting the SFA to dispatch several cables reiterating his recall order. This fact alone constitutes insubordination, as respondent’s conduct evinced a willful disregard of an express direction and refusal to obey reasonable orders of his superior. Unless countermanded by the President, the order of recall made by the SFA stands. In the instant case, I find the recall order of April 22, 1988, valid and effective. Respondent’s contention that the recall order has no basis is not well taken. While it may be true that what prompted the SFA to issue the recall was the alleged NICA report tagging respondent as a possible security risk, which allegation is bereft of factual basis, nevertheless, respondent’s defiance of the series of recall orders of the SFA constitutes insubordination.

With regard to the charge of dishonesty, I find respondent guilty thereof. In Administrative Order No. 122, we have had occasion to define dishonesty in this wise:

“Respondent herself accepts the definition of ‘dishonesty’ in former Civil Service Commissioner Abelardo Subido’s Disciplinary Rules and Procedures in the Philippines Civil Service (1976 Ed., pp. 41-42) ‘as absence of integrity; a disposition to betray, cheat, deceive or defraud; bad faith.’ (Citing Arca vs. Lepanto Consolidated Mining Company, CA G.R. 17679-R, Nov. 24, 1956, citing 27 C.J.S. 47.) For indeed, ‘dishonesty’ means ‘a disposition to lie, cheat or defraud; untrustworthiness; lack of integrity’ (State ex. rel. Neal v. Civil Service Commission, 72 N. E. 2d 769, 71, 147 Ohio St. 430) and ‘signifies an intentional violation of the truth’ (Godfrey vs. Godfrey v. Godfrey, 106 N. W. 814, 819, 127 Wis. 47, 7 Ano. Cas. 176); and is synonymous to ‘fraud’ (Ex parte Drayton, 153 F. 986, 991), so that ‘whatever is dishonest is fraudulent in foro conscientiae’ (Idem.). Its meaning –

‘extends beyond acts which would be criminal and is not restricted to such conduct as imports a criminal offense; and it has been specifically defined as an absence of integrity, a disposition to betray, cheat, deceive, defraud, or deceive; bad faith, course of conduct generally characterized as lacking in principle, a disposition to defraud, deceive or betray; faithlessness, want of integrity in principle, or of fairness and straightforwardness; fraud. It may consist in an intentional violation of the truth, or any violation of the truth, or any deviation from probity.’ (27 C.J.S. Dishonesty, p. 312)’”

The facts on the record are clear. Respondent, in the passport application of his daughter, Maria Romina Fernandez, made it appear that the child’s mother was Liza L. Fernandez, a statement contradicted both by Birth Certificate D13 I-M 10 No. 010124 and the Application for Immigrant Visa (September 11, 1987). Respondent, being the personal representative of our country, ought to be more discreet in the conduct of his public as well as private affairs.

Finally, respondent’s public criticisms against the DFA aired through the media show outbursts of passion not befitting an ambassador. His actuations are covered by Administrative Order No. 46, dated September 15, 1937, “Prescribing Rules Regarding The Practice Of Officials And Employees Of The Government To Discuss Or Clarify All Differences Of Opinion On Public Matters In Press”, which is hereby quoted in full for the information and guidance of all concerned:

“In view of the frequency in which controversies touching upon particular phases of governmental activity have been carried on through the public press by contending officials of the Government, or between an official of the Government on the one hand and a private individual on the other; and since this practice is unseemly, distasteful, and may even, at times, be definitely harmful to the service; and because further, the publicizing by two governmental officials of conflicting opinions or real or fancied mutual grievances cannot fail to give the impression that the Government is devoid of order and organization, and that its members are lacking in that sense of restraint and decorum so essential to the effective discharge of public duty;

“NOW, THEREFORE, I, MANUEL L. QUEZON, President of the Philippines, by virtue of the powers in me vested by law, do hereby direct the following rules to be followed:

(1) Controversies between officials or employees of the Government shall be submitted to the respective authorities empowered by law to take cognizance thereof, and the decisions of such authorities shall be faithfully observed by the contending parties.

(2) If and when news or statements contrary to facts are published in the press, or when criticisms are made, founded on false or incorrect information, the Head of the Department or his duly authorized representative may issue a statement giving the facts as they actually are and as supported by the official files, but in no case, except with the express authority from the Office of the President of the Philippines, shall such statement contain argumentative matter or controversial discussion.

“This Order shall not preclude any official or employee of the Government from furnishing specific information on, or from clarifying doubtful points

concerning, any appropriate subject pertaining to the functions of the particular official or employee, provided that such statements shall be without reference to previous criticisms of the Government, or in answer to any of critics. Neither shall this Order preclude any department or office of the Government from publishing from time to time, as it is frequently its duty to do, articles in the daily press, in other periodicals or magazines, or in publications of the Government, which articles are intended to inform the people regarding the policies of, and the work being done by the Government on matters that may be of interest to the people in the promotion of their well-being, such as topics regarding the efforts of the Government toward the improvement of agriculture, development of proper commerce and trading practices, and other matters of similar general import.

“Any official or employee of the Government violating any of the above rules directly or indirectly shall be subject to disciplinary action, including removal from office after due investigation and conviction.”

Lastly, I agree with the Board of Foreign Service Administration and the Secretary of Foreign Affairs that respondent deserves the penalty of suspension for one (1) year.

WHEREFORE, respondent Ambassador Romeo O. Fernandez is hereby found guilty of insubordination, dishonesty, and grave misconduct and conduct prejudicial to the best interest of the service. Accordingly, he is hereby meted the penalty of suspension from office for one (1) year without pay.

DONE in the City of Manila, this 22nd day of January, in the year of Our Lord, nenteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 156
CREATING THE NATIONAL ORGANIZING COMMITTEE FOR THE FOURTH ONE ASIA
ASSEMBLY TO BE HELD IN MANILA ON FEBRUARY 18 TO 22, 1990

WHEREAS, Article II, Section 24 of the 1987 Constitution declares that the State recognizes the vital role of communication and information in nation-building;

WHEREAS, Article III, Section 4 of the 1987 Constitution reaffirms the commitment of the State to guarantee the freedom of the press;

WHEREAS, the Press Foundation of Asia, which represents various publishing houses and national press institutes in the Asia region will hold its Fourth One Asia Assembly in Manila on February 18 to 22, 1990, as a sequel to the previous One Asia Assemblies that have been held in Manila (1970), Bali (1971) and New Delhi (1973);

WHEREAS, the One Asia Assembly is a continuing conference which seeks to promote the aspirations of the Asian Media and the people of Asia;

WHEREAS, the One Asia Assembly 1990, with the theme “People, Media and Power – Moving into the 21st Century,” endeavors to provide the forum for Asian political leaders, journalists, intergovernmental institutions, economists, business corporations and investment bankers to discuss major concerns of our time;

WHEREAS, recent events, both here and abroad, have demonstrated the power of mass media as catalyst of change.

WHEREAS, it is now incumbent upon the Philippine Government to undertake such preparations as are necessary to support the efforts of Press Foundation of Asia in organizing the Fourth One Asia Assembly in Manila and to promote wide participation in the Assembly, thus ensuring its success;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby create the National Organizing Committee for the Fourth One Asia Assembly, hereinafter referred to as the Committee.

The Committee shall be composed of the following:

The Secretary of Foreign Affairs	–	Honorary Chairman
The Secretary of Education, Culture & Sports	–	Member
The Secretary of National Defense	–	Member
The Secretary of Tourism	–	Member
The Secretary of Transportation and Communications	–	Member
The Press Secretary	–	Member
The Presidential Spokesman	–	Member
The Chief of Staff, Armed Forces of the Philippines	–	Member
The Designated over-all Chairman and duly authorized Board		
Committee members from the Press Foundation of Asia	–	Members

These Committee members may designate their permanent representatives in case of their inability to participate personally in the work of the Committee.

The Committee shall establish a Secretariat jointly with the Press Foundation for Asia to implement the policies and guidelines formulated by the Committee.

The Committee may call upon any agency and instrumentality of the Government, as well as private organizations and individuals concerned, to lend support and assistance to the Committee in the performance of its tasks to ensure the success of the conference.

Such amount as may be necessary for the operation of the Committee, its Secretariat and the holding of the conference shall be charged equally against the available funds of the Departments represented in the said Committee starting with the Department of Foreign Affairs and ending with the Office of the Press Secretary.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 31st day of January, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 157
**CREATING THE NATIONAL ORGANIZING COMMITTEE FOR THE FOURTH ASIAN AND
PACIFIC MINISTERIAL CONFERENCE ON SOCIAL WELFARE AND DEVELOPMENT**

WHEREAS, the General Assembly of the United Nations through Resolution No. 43/182, adopted at its session of 20 December 1988, proposed the preparations for an international development strategy for the fourth United Nations development decade;

WHEREAS, the Economic and Social Commission for Asia and the Pacific (ESCAP) reaffirming that the primary responsibility for their development rests with the developing countries themselves and that the commitment from other countries to support these efforts is of vital importance for the achievement of this aim;

WHEREAS, the ESCAP at its Forty-Fifth Session, recognized that the eradication of absolute poverty, pursuit of distributive justice, and enhancement of popular participation should be central issues in all development efforts in the Asia-Pacific Region, and reiterated the importance of the family as the basic social unit for social development;

WHEREAS, in response to the need to develop viable strategies for integrating social concerns and the human dimensions into overall development policy and planning as a means of improving the quality of life of the people and thereby ensuring social progress and stability in the Region, the ESCAP Secretariat has embarked on a project to formulate a regional social development strategy towards the year 2000 and beyond;

WHEREAS, all member countries and associate members of the ESCAP, as well as United Nations bodies and specialized agencies, have been invited to contribute to the development of the strategy and had decided to convene the Fourth Asian and Pacific Ministerial Conference on Social Welfare and Development in 1991 to consider and adopt the strategy;

WHEREAS, the Philippines fully subscribing to the development of a social development strategy towards the year 2000 and beyond for the Asia-Pacific Region proposed to host the Fourth Asian and Pacific Ministerial Conference in Manila;

WHEREAS, the proposal of the Philippines to host the conference has been unanimously approved at the Forty-Fifth Session of the ESCAP, thus, it is now incumbent on the Philippine Government to undertake such preparations as are necessary to ensure the successful holding of the conference in Manila in 1991.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby create the National Organizing Committee for the Fourth Asian and Pacific Ministerial Conference on Social Welfare and Social Development, herein after referred to as the Committee.

The Committee shall be composed of the following:

Secretary of Social Welfare and Development	–	Chairman
Secretary of Foreign Affairs	–	Vice-Chairman
Secretary for Socio-Economic Planning	–	Vice-Chairman
Secretary of Education, Culture and Sports	–	Member
Secretary of Labor and Employment	–	Member
Secretary of National Defense	–	Member
Secretary of Health	–	Member
Secretary of Agrarian Reform	–	Member
Secretary of Science and Technology	–	Member
Secretary of Budget and Management	–	Member
Press Secretary	–	Member

The members of the Committee may designate their respective permanent representatives in case of their inability to personally participate in the work of the Committee.

The Committee is empowered to create a Secretariat and Sub-Committees and to call upon all other government, non-government and private agencies and individuals concerned to assist the Committee in its tasks.

Such amount as may be necessary for the operation of the Committee, its Secretariat and Sub-Committees, and the holding of the conference shall be included in the International Commitments Fund portion of the FY 1991 budget proposal submitted to the Congress.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 1st day of February, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 158

DISMISSING DAVID T. ROJAS, SEBASTIAN I. JULIAN, AND ZENAIDA C. SEBASTIAN, ALL ASSISTANT ADMINISTRATORS OF THE NATIONAL IRRIGATION ADMINISTRATION, FROM THE SERVICE.

This refers to the administrative complaint against three (3) officials of the National Irrigation Administration (NIA), namely: Atty. DAVID T. ROJAS, NIA Assistant Administrator for Administrative Services; Engr. SEBASTIAN I. JULIAN, NIA Assistant Administrator for Systems Operation and Equipment Management, and Ms. ZENAIDA C. SEBASTIAN, NIA Assistant Administrator for Finance and Management, for dishonesty, misconduct, conduct prejudicial to the best interest of the service, inefficiency in the performance of official duties, and neglect of duty.

Through a referral of several cases of alleged anomalies at the NIA from the Gising Bayan Foundation, Inc., the National Bureau of Investigation (NBI) initiated an inquiry into the activities of several NIA officials and employees, in relation with the procurement of drill bits, parts and accessories for the Communal Irrigation Project or CIP in Laur, Nueva Ecija. Thereafter, the NBI transmitted its report/findings to the Ombudsman with recommendations for the criminal and administrative prosecution of several NIA officials and employees, including the herein respondents.

After evaluation of the NBI findings and recommendations, the Office of the Ombudsman prepared a First Supplement Evaluation Report, dated June 7, 1989, and transmitted the same, together with the NBI report, to my Office and the Department of Public Works and Highways for the administrative investigation of the involved NIA personnel.

The NBI report recommending administrative proceedings against respondents for violation of:

- a. Executive Order (EO) No. 301, dated July 26, 1987, as to the 29 separate purchases without public bidding;
- b. COA Circular No. 76-41, dated July 30, 1976 prohibiting the splitting of vouchers, payment, etc. as to the 29 separate RIVs, POs, etc.; and
- c. COA Circular No. 85-55-A, dated September 8, 1985, prohibiting unnecessary, irregular, excessive and extravagant expenditures of public funds – as to the purchase of ₱17,758,873.72 worth of items when only about ₱304,340.00 worth of drill bits, parts and accessories were actually used in LAUR CIP,

as evaluated by the Office of the Ombudsman, became the basis of the Memorandum issued by my Office, dated July 24, 1989, formally charging respondents with dishonesty, misconduct, conduct prejudicial to the best interest of the service, inefficiency in the performance of officials duties, and neglect of duty; and directing them to file their answer to the charges and to state therein whether they are electing a formal investigation of the charges or whether they are waiving their right to such investigation.

In addition, my Office directed the Secretary of Justice to constitute an ad hoc Committee to investigate respondents, who are all presidential appointees. Accordingly, the Secretary of Justice issued Department Order No. 132, dated July 27, 1989, constituting the three-man ad hoc investigating committee.

Formal hearing, which started on August 30, 1989, and ended on November 9, 1989, was set against the antecedents as recited in the Resolution of the Ad Hoc Investigating Committee, dated December 19, 1989, thus:

“It appears that under R.A. 6642 (Appropriations Act of 1989), the National Irrigation Administration was granted a fund allocation of ₱420,000,000.00 for ‘construction and rehabilitation of Communal Irrigation Systems (subsidy support)’. Drawing from this fund, the NIA sought to implement several projects denominated COMMUNAL IRRIGATION PROJECTS or CIPS. There were 16 CIPs, nine (9) of which were allegedly attended by anomalies.

“One of the questioned projects is the Laur CIP, Nueva Ecija, for which ₱17,758,873.72 was allegedly spent for the purchase of 901 assorted drilling bits, accessories and spare parts bearing the following brand: ‘Diamond Boart’, ‘Longyear’ and ‘Tone’.

“Said items were allegedly procured in 29 negotiated purchases effected through falsification of official supporting documents to do away with the required public bidding.

“Only three (3) suppliers are involved in the twenty-nine (29) transactions subject of the inquiry, namely: BLIMS General Merchandise Gravel and Sand (BLIMS), with address at 110 Kaingin Road, Masambong, Quezon City; Central Luzon Mahogany Corporation (CLMC), 209-215 E. de los Santos Ave., Greenhills Ave., San Juan, M.M.; and TECHNOQUIP MACHINERY, INC. (TMI), 5th Floor Champaca Condominium, Legaspi Village, Makati, M.M. Purchased were a total of ‘x x x 901 units of 45 (should be 54) different types of Longyear, Diamant Boart, and Tone part/accessories x x x’.

“The supporting documents of purchases such as the requisition and issue vouchers (RIVs), disbursement vouchers, and a certification, all indicated that the items were described as ‘exclusive’ and ‘unique’ to make it appear that the items were under the sole and exclusive distributorship of one company for the purpose of doing away with public bidding.

“The technical description of the items as ‘unique’ made it difficult to ascertain the identification thereof for purposes of canvassing and in determining the real price from other distributors.”

In said Resolution, the Ad Hoc investigating Committee found, vis-a-vis the twenty-nine (29) transactions involving the LAUR CIP, that EO 301, series of 1987, has been deliberately violated. EO 301 prescribes the procurement of supplies and equipment thru public bidding, except, inter alia, whenever the materials are sold by an exclusive distributor/manufacturer who does not have sub-dealers selling at lower prices and for which no suitable substitute can be obtained elsewhere at more advantageous terms to the government (Sec. 1[c]). On the basis of the evidence presented, the Committee made the following observations: (a) NIA officials/employees concerned circumvented

the bidding requirement of EO 301 by falsely representing in various purchase orders (POs) that the suppliers/dealers of the items sold to NIA are the exclusive dealers/distributors thereof or that the articles are being purchased from exclusive suppliers; and (b) Firms, i.e., BLIMS and CLMC, which acted as mere middlemen, were made to appear as exclusive distributors when in fact there is “Longyear Philippine Drilling Products, Inc.” at Malugay Street, Makati, Metro Manila, from which came the “Longyear” products sold to NIA by BLIMS. Likewise, CLMC does not appear to be the exclusive distributor in the Philippines of “Diamant Boart Societe Annonyme” of Belgium because there is a “Diamant Boart Philippines Inc.” from which CLMC procured the drill bits, parts and accessories of “Diamant Boart” brand which it sold to the NIA. As regards TMI, which claimed to be the exclusive distributor of “TONE” drilling machine and spare parts, there is no showing that its exclusive distributorship was still existing at the time the questioned purchases of “TONE” spare parts and accessories were effected. Undoubtedly, therefore, BLIMS and CLMC merely acted as middlemen to increase the prices paid by NIA.

The Committee likewise found that COA Circular No. 76-41, dated July 30, 1976, in relation to COA Circular No. 86-257, dated March 3, 1986, prohibiting splitting of vouchers, orders/payments has also been violated in connection with the aforesaid transactions. The Committee predicated its finding on the investigation of the NBI and the testimony of Ms. Nelia Villeza of COA. As related by Ms. Villeza, the splitting of POs was evidenced by not too wide intervals in dates and numbers of POs approved by the same officers and served to the same suppliers as shown by: 29 POs approved either by respondent Rojas or then NIA Administrator Alday, processed for Laur CIP from January to May, 1988, with the POs being served to only three (3) suppliers: CLMC, BLIMS, and TMI (Exh. “MM-17A-COA”). Splitting of payments, on the other hand, was evidenced by the issuance of three checks in payment of one disbursement voucher/PO, evidently to make the checks fall within the ceiling of the signing authority of respondent Zenaida Sebastian.

COA Circular No. 85-55-A, dated September 8, 1985, prohibiting unnecessary, irregular, excessive, and extravagant expenditure of public funds was likewise violated in the questioned transactions, it appearing that of a total of 901 units of materials acquired (at a total cost of ₱17,758,873) only 17 units (at a total cost of ₱304,540.00) were actually utilized. In fact, and as testified to by NBI agent Rizalde Laudencia, about ₱9,652,693.47 worth of “Longyear” drill parts and accessories had never been used because, as per the affidavit of Cesar L. Orpilla, NIA Senior Geologist, the “Longyear” rig, though mobilized, was not actually put in operation. To compound matters, Ms. Nelia Villeza testified that bits/parts/accessories intended for Laur CIP were acquired after completion of the project and the supporting RIVs therefor were prepared towards such completion.

The Committee’s findings that (a) the twenty-nine (29) purchases were done in violation of EO 301, entered as they were thru negotiation when circumstances surrounding each transaction called for public bidding; (b) the same purchases were attended with splitting of orders, vouchers and/or payments in violation of COA Circular No. 76-41; and (c) that said purchases were done in contravention of the injunction embodied in COA No. 85-55-A, series of 1985, merit approval. Indeed, judging from the supporting documents of the twenty-nine (29) negotiated purchases, the requirement of public bidding was deliberately dispensed with through the convenience of making it appear in said documents that the items being purchased are available only from alleged exclusive distributor or manufacturer thereof. This was done by describing each item as “unique” and specifying the particular brand, precisely to fit the exception to public bidding under Section 1 (c) of E.O. 301, which reads:

“Section 1. – Guidelines for Negotiated Contracts. Any provision of law, decree, executive order or other issuances to the contrary notwithstanding, no contract for public services or for furnishing supplies, materials and equipment to the government or any of its branches, agencies or

instrumentalities shall be renewed or entered into without public bidding, except under any of the following situations:

x x x x x x

“(c) Whenever the materials are sold by an exclusive distributor or manufacturer who does not have sub-dealers selling at lower prices and for which no suitable substitute can be obtained elsewhere at more advantageous terms to the government.”

It is no wonder then that only three (3) firms, namely, BLIMS, CLMC and TMI were able to corner the entire twenty-nine (29) negotiated purchases.

Given the above perspective, the issue as regards herein respondents is whether they could be held liable in the light of their individual participation/s in the twenty-nine (29) anomalous transactions. The Investigation Committee resolved the issue in the affirmative.

Respondent Rojas claimed that his role consisted merely in the signing of prepared purchase orders, requests for quotations and disbursement vouchers which is routine and normal to him. He added that he was not a party in the preparation of RIVs or in the processing and countersigning of checks.

Respondent Julian, on the other hand, alleged that he merely approved or recommended for approval the different RIVs which were already prepared and signed by the requisitioner/end-user when presented to him. He disclaimed any participation in the initiation/preparation of said RIVs as said function pertains to the requisitioner/end-user of the needed items and that he merely relied on the descriptions of the requisitioner/end-user as appearing in the RIVs.

For her part, respondent Sebastian contended that she could not be held liable because she merely countersigned the corresponding checks for each purchase. Like Julian, she contended that she had no involvement whatsoever in the procurement process, such as the preparation/approval of RIVs and POs, and therefore she should not be held responsible for any misdescription of the purchased items because the supporting papers came to her duly approved by the other authorities concerned.

Respondent's posture in defense impresses me as unconvincing. For, as correctly observed by the Committee to which I fully agree:

“We do not believe that respondents were not aware that certain irregularities had been committed relative to the twenty-nine (29) transactions involved in the Laur CIP, and, therefore, they should be excluded from any culpability arising therefrom, just because the documents in question were initiated, prepared and processed at the lower level of the NIA administrative hierarchy.

“On the contrary, in view of the big amounts involved (numbering to hundreds of thousands of pesos per RIV or PO or DV) and the great number of materials being purchased for a particular project, respondents should not have just relied on the papers and documents submitted to them by their subordinates for their favorable indorsement, approval and/or signature. As officials occupying high and sensitive positions in the NIA administrative hierarchy, next only to the Administrator in importance and influence, they should have been more vigilant in checking and verifying each and every requisition and issue voucher (RIV), purchase order (PO), disbursement voucher (DV), and check which passed through them for approval and/or signature, as well as their supporting papers, to find out if such documents and transactions covered therein were lawful and in order. The fact that there were several RIVs, POs, DVs, and checks bearing similar and/or proximate dates, and the payments were made to only three (3) favored

companies, should have been enough reason for them to undertake a closed review of the same. Precisely, they were placed in said positions to be zealous in protecting the public funds which have been put at their disposal so they will be properly administered and utilized in the purchase of equipment, materials and spare parts needed by their office and their projects. They are there to protect the interest and welfare of the people and of the nation by closely monitoring the procurement and purchasing activities of their office.

“That they failed to do so, and allowed the irregularities to be committed, by approving and affixing their signatures on the documents in question, showed that they were remiss in their duties and responsibilities both under the law and the Constitution. x x x “

For sure, had any of the respondents been as vigilant as their positions so require, they could have discovered that the so-called exclusive distributors were not what they were depicted to be. Such discovery would have led to the procurement of drill bits/parts/accessories thru public bidding and thereby enable NIA to obtain the best price in the market. The bare fact that the same favored suppliers appear on all these supporting purchase documents should have alerted respondents on the possibility of irregularities.

As it were, there is no concrete evidence proving or tending to prove that the doctored documents submitted in support of the twenty-nine (29) anomalous purchases came to be at the instance or initiative of respondents or that they conspired with their subordinates in the preparation thereof. Nonetheless, respondents stand culpable for not exercising that degree of vigilance, that level of caution expected from ranking executive officers of which they are. By ordinary standards, the omission constitutes gross negligence and/or inefficiency in the performance of official duties. Such omission translates into a tremendous financial waste of government funds and property.

I am not insensitive to the Committee’s observations that all the respondents herein “rose from the ranks, having served the (National Irrigation) Administration for more than twenty-two years”, and that the instant case “is their first administrative offense.” Let it be made clear, however, that service in the government, no matter how long, has not been and can never be a passport for official malfeasance or misfeasance. On the contrary, greater care and vigilance in the performance of official duties and responsibilities ought to be expected of those with long years in the public service if they are to preserve the honor and dignity due them by their unblemished record should they eventually leave the portals of the government. Neither can I view respondents’ case with leniency on the score that this is their first administrative offense. Perhaps, alongside with their length of service, there is an occasion for such a compassion if the matter at hand concerns a single isolated transaction of few hundred pesos. But such is not the case. Here, no less than twenty-nine (29) transactions amounting in the aggregate to several millions of pesos – ₱17,758,873.72 to be precise – were involved, each of which was attended by massive irregularities. In a very real sense, therefore, the government was cheated twenty-nine (29) times, all because the herein respondents failed to live up to that exacting requirement of care and caution inherent in their respective positions which are no less next only in importance, prestige, powers, duties and responsibilities to the head of the agency itself.

WHEREFORE, and as recommended by the Department of Justice, through the Ad Hoc Investigating Committee, respondents DAVID T. ROJAS, SEBASTIAN I. JULIAN, and ZENAIDA C. SEBASTIAN, all Assistant Administrators of the National Irrigation Administration (NIA), are hereby DISMISSED from the service with all its accessory penalties.

Done in the City of Manila, this 27th day of February, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACANANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 159
DISMISSING 3RD ASSISTANT CITY FISCAL MATEO P. FRANCISCO OF ZAMBOANGA CITY.

This is an administrative case against 3rd Assistant City Fiscal Mateo P. Francisco of Zamboanga City for Dishonesty.

The factual antecedents of the case are as follows:

On September 22, 1986, a certain Emilio D. Garay issued in favor of one Romeo Amar a check (BPI Check No. 41243), postdated October 7, 1986, in the amount of ₱14,960.00 representing the amount of loan obtained by the former from the latter. When the check was about to mature, Garay requested Amar not to encash it to enable him (Garay) to raise funds to cover the check. Amar acceded to the request. Thereafter, on January 9, 1987, Amar deposited the check with the PCIB-Zamboanga City, but it was dishonored for being a "Closed Account." Whereupon, Amar filed with the Zamboanga City Fiscal's Office sometime in April 1987 a complaint against Garay for violation of Batas Pambansa (BP) Blg. 22 (Bouncing Checks Law) which was docketed therein as I.S. No. 87-220.

During the preliminary investigation before herein respondent Fiscal Mateo P. Francisco, Garay and Amar agreed to settle the case amicably. Thus, on June 25, 1987, Garay offered to pay the amount of ₱10,000.00 as initial payment of his obligation but, since Amar was not present at that time, Garay handed the ₱10,000 to respondent at the latter's office, in the presence of stenographer S. Codilla, for which respondent issued an acknowledgment receipt, with the express understanding that the said amount will be given to Mr. Amar. Of the aforementioned amount, however, it appears that only ₱5,000 was actually turned over by respondent to Amar at the former's residence on the following day (June 26, 1987).

Thereafter, or on August 17, 1987, Garay gave Amar at respondent's office and in the latter's presence ₱1,000 in cash and a check (PNB Check No. 761969-T) in the amount of ₱4,000 which the latter was subsequently able to encash, in full payment of Garay's loan obligation to Amar.

Notwithstanding said payments, and contrary to his expectation that I.S. No. 87-220 would soon be dropped, Garay instead found himself being charged anew by respondent sometime in January 1988 with violation of BP Blg. 22 (Crim. Case No. 8687) and Estafa (Crim. Case No. 8686). Through his counsel, Atty. Alfredo Jimenez, Garay requested Fiscal Francisco to move for the dismissal of the two (2) cases on the ground that the aforesaid loan had been paid in full, but said request was rejected by the respondent on April 22, 1988.

As a postscript to Amar's testimony given during the hearing of consolidated Criminal Case Nos. 8686 and 8687 on November 28, 1988, that respondent gave him only ₱5,000 out of the total amount of ₱10,000 entrusted by Garay to respondent, Garay filed an affidavit-complaint, dated January 12, 1989, charging respondent with dishonesty.

In his counter-affidavit of March 28, 1989, respondent denied having misappropriated or pocketed any amount from Garay or Amar and averred that he filed the two (2) informations for estafa and violation of the Bouncing Checks Law against Garay because of Amar's failure to execute an affidavit of desistance and further on account of Amar's insistence to file the two cases in court for

Garay's failure to pay the amount of ₱5,000 over and above his obligation of ₱10,000. (As disclosed, however, by the testimony of Amar given during the hearing of the cases, he (Amar) only filed a complaint for violation of B.P. Blg. 22 and not for estafa against Garay because they were compadres and solely for the purpose of compelling the latter to pay his loan of ₱14,960.00); that if it was true that he failed to deliver the ₱10,000 to Amar, Garay should have brought up said fact when he, Garay, was subpoenaed or when he received the resolution of the case; that Amar's testimony given before the court hearing of the aforesaid two criminal cases is a blatant and deliberate lie because he personally gave to Amar the ₱10,000 in the presence of his (respondent's) wife, son, brother-in-law and sister-in-law, namely, Eleonor S. Francisco, Ian Mark Francisco (10 years old), Alberto Cajayon and 3rd Assistant City Fiscal Dorothy Cajayon; and that Amar's aforesaid testimony before the court conflicts grossly with his statement made under oath before City Fiscal Wilfredo M. Yu during the hearing of Garay's motion for reinvestigation filed thru his counsel, Atty. Jimenez, that he (Amar) did not receive a single centavo from respondent.

After due investigation, Pagadian City Fiscal Alejandro S. Urro recommended the dismissal of the administrative complaint against respondent for the following reasons: (a) it is rather strange why Garay did not demand from Amar an affidavit of desistance on August 17, 1987, when he tendered to the latter the remaining balance of his loan obligation, and insist for the return of the check that formed the basis of the complaint; (b) it is inconceivable for Amar not to know the exact amount given by Garay to respondent on June 26, 1987, since the latter informed the former's wife by telephone of his initial payment made to respondent; (c) that Amar's credibility leaves much to be desired, in view of his conflicting statements, on the one hand, that respondent gave him only ₱5,000 on June 26, 1987, and that he did not receive a single centavo from the latter, on the other; (d) that, although respondent was negligent in not demanding a receipt from Amar when he gave to him the money, his claim that he handed the full amount of ₱10,000 to Amar is corroborated by Fiscal Cajayon and other witnesses; and (e) that, considering her official position, there is no reason to doubt Fiscal Dorothy Cajayon's sworn statement confirming respondent's assertion, although she is respondent's sister-in-law, which statement was corroborated by her husband, Alberto Cajayon, who presumably would not allow his wife to be used as an instrument in the pursuit of a lie.

Upon review, the Secretary of Justice, in a Memorandum for me, dated January 20, 1990, disagreed with the investigating fiscal and, instead, recommended respondent's dismissal from the service, in view of his following findings and observations:

"In receiving the money from Mr. Garay for payment to Mr. Amar, Fiscal Francisco overstepped the bounds of duty and opened himself to an anomalous position. Fiscal Francisco, knowing the sensitive nature of his position, should not have allowed M. Amar to pick up the money at his house. Furthermore, Fiscal Francisco should have asked for a receipt of the amount given to Mr. Amar, as logic and proper sense dictates. This lapse takes a more sinister shade when we consider that just a day before, on June 25, 1987, he had carefully and meticulously prepared an acknowledgment receipt (rec., p. 36) evidencing his receipt of the amount of ₱10,000.00 from Mr. Garay. If he was duly cognizant of the need to draw up some proof of his receipt of the money from Mr. Garay, why had he soon forgotten to document his transaction with Mr. Amar, when this was just as important a factor in the amicable settlement between Messrs. Garay and Amar.

"With respect to the corroborative statements of Mrs. Eleonor Francisco, Mr. Alberto Cajayon and Fiscal Dorothy Cajayon, we cannot give due weight

to the same on the ground of relationship. Mrs. Eleanor Francisco is the wife of Fiscal Francisco while Mr. Alberto Cajayon and Fiscal Dorothy Cajayon are his brother-in-law and sister-in-law respectively. They are under moral obligation to give Francisco due support in this cause.

“Furthermore, it is improbable for both Fiscal Francisco and Mr. Amar, in the first instance, not to have mentioned the presence of the spouses Cajayon as witnesses to their transaction, considering that Mrs. Cajayon is also a prosecutor. It appears that the addition of the spouses Cajayon as witnesses was a mere afterthought to lend credence to the statement of Mrs. Francisco in defense of her husband, the respondent herein.”

After going over the records of the case, I concur in the foregoing observations of the Secretary of Justice. The record is sufficient in law to sustain a finding that respondent fiscal indeed pocketed or misappropriated the amount of ₱5,000 of the ₱10,000 Garay handed him in trust for delivery to Amar pursuant to the parties’ amicable settlement. If it is true, as respondent vigorously maintains, that he handed to Amar the entire amount of ₱10,000 on June 6, 1987, he should have asked Amar to execute an acknowledgment receipt therefor, which he did not, as what he previously did when Garay entrusted to him at his office the ₱10,000 for delivery to Amar. That respondent, per his assertion, gave the ₱10,000 to Amar in the presence of his (respondent’s) wife, son, brother-in-law and sister-in-law does not bolster any of his claim to that effect, in view of the close relationship of said persons to respondent. And there is the circumstance even more telling that respondent failed to rebut or attempt to disprove Garay’s statement in his affidavit-complaint of January 12, 1989, that respondent’s wife went to see Amar and tearfully pleaded that he, Amar, sign a receipt for ₱10,000, which was turned down for the simple reason that was received was only ₱5,000.

In sum therefore, there is sufficient evidence to permit the reasonable inference that respondent is guilty of dishonesty which renders him unfit to be retained any further in the prosecution service. As tersely put by the Supreme Court:

“The Government cannot well tolerate in its service a dishonest official x x x because by reason of his government position, he is given more and ample opportunity to commit acts of dishonesty against his fellowmen x x x; and by reason of his office, he enjoys and possesses a certain influence and power which renders the victims of his grave misconduct, oppression and dishonesty less disposed and prepared to resist and to counteract his evil acts and actuations.” (Nera vs. Garcia and Elicaño, 106 Phil. 1031, at p. 1036).

WHEREFORE, and as recommended by the Secretary of Justice, Third Assistant City Fiscal MATEO P. FRANCISCO of Zamboanga City is hereby DISMISSED from the service, effective upon receipt of a copy of this Order.

Done in the City of Manila, this 9th day of March, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 160
PROVIDING GUIDELINES FOR GOVERNMENTAL OPERATIONS IN THE CORDILLERA
ADMINISTRATIVE REGION PENDING THE ORGANIZATION OF THE REGIONAL
AUTONOMOUS GOVERNMENT FOR THE CORDILLERA AUTONOMOUS REGION

WHEREAS, Executive Order No. 220, Series of 1987, created a Cordillera Administrative Region consisting of the Provinces of Abra, Benguet, Ifugao, Kalinga-Apayao and Mt. Province and the chartered City of Baguio;

WHEREAS, pursuant to Executive Order No. 220, Series of 1987, the Cordillera Executive Board and the Cordillera Regional Assembly were likewise established for the Cordillera Administrative Region which, together with the aforesaid bodies, shall “exist until such time as the autonomous regional government shall have been established and organized under an organic act passed by Congress in accordance with Section 18, Article X of the Constitution” (Section 17);

WHEREAS, Administrative Order No. 36, Series of 1987, authorized the various departments and other agencies of the National Government to maintain regional offices in the Cordillera Administrative Region;

WHEREAS, the Commission on Elections, in its Resolution No. 2259 declared that the Organic Act for the Cordillera Autonomous Region has been approved and/or ratified in the sole Province of Ifugao in a plebiscite held on January 30, 1990 in the provinces and the city comprising the Cordillera Administrative Region;

WHEREAS, Article XXI, Section 3 of Republic Act. No. 6766 provides that:

“The Cordillera Executive Board, the Cordillera Regional Assembly, as well as all offices and agencies created under Executive Order No. 220 shall cease to exist immediately upon the ratification of this Organic Act.

All funds, properties and assets of the Cordillera Executive Board and the Cordillera Regional Assembly shall automatically be transferred to the Cordillera Autonomous Government”.

WHEREAS, Republic Act No. 6861, dated March 8, 1990, postponed the holding of the first regular elections for Governor, Deputy Governor and Members of the Regional Assembly of the Autonomous Region of the Cordillera to the first Monday of March 1991;

WHEREAS, while the Cordillera Executive Board, the Cordillera Regional Assembly as well as all offices and agencies created under Executive Order No. 220, S. of 1987, are deemed abolished immediately upon the ratification of the Organic Act, the Cordillera Administrative Region remains subsisting until the organization of the Cordillera Autonomous Regional Government and the full implementation of Section 13 (A), Article XXI of Republic Act No. 6766;

WHEREAS, there is an imperative need to provide guidelines for the governmental operations in the Cordillera Administrative Region pending the organization of the Regional Autonomous Government for the Cordillera Autonomous Region;

WHEREAS, Article X, Section 14 of the Constitution provides that:

“The President shall provide for regional development councils or other similar bodies composed of local government officials, regional heads of departments and other government offices, and representatives from non-governmental organizations within the regions for purposes of administrative decentralization to strengthen the autonomy of the units therein and to accelerate the economic and social growth and development of the units in the region”;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. For purposes of Governmental operations, the integrity of the Cordillera Administrative Region as composed of the Provinces of Abra, Benguet, Ifugao, Kalinga-Apayao and Mt. Province and the chartered City of Baguio shall be maintained until the organization of the Regional Autonomous Government for the Cordillera Autonomous Region.

Section 2. All regional offices and agencies of the National Government established in the Cordillera Administrative Region pursuant to ADMINISTRATIVE ORDER NO. 36, Series of 1987, are hereby directed to continue serving the Provinces and the City comprising the said administrative region.

Section 3. The Cabinet Officer for Regional Development, in coordination with the Presidential Management Staff and National Economic and Development Authority Secretariat, is hereby directed to organize the Regional Development Council and Regional Development Assembly for the Cordillera Administrative Region in accordance with Executive Order No. 308, Series of 1987, as amended, within thirty (30) days from date hereof.

Section 4. These guidelines shall take effect immediately and shall remain in force and effect until the organization of the Regional Autonomous Government for the Cordillera Autonomous Region.

DONE in the City of Manila, this 30th day of March, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 161

CREATING AN AD HOC COMMITTEE TO DETERMINE AND OVERSEE THE ALLOCATION
AMONG THE DIFFERENT GOVERNMENT DEPARTMENTS, AGENCIES, OFFICES AND
INSTRUMENTALITIES, INCLUDING GOVERNMENT-OWNED AND CONTROLLED
CORPORATIONS, OF THE PARCELS OF LAND DONATED BY THE PROVINCE OF CEBU FOR
NATIONAL GOVERNMENT CENTER SITE PURPOSES

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby create an Ad Hoc Committee, hereinafter referred to as the Committee, to be composed of the following:

Secretary, Department of Environment and Natural Resources	–	Chairman
Governor, Province of Cebu	–	Vice-Chairman
Secretary, Department of Education Culture and Sports	–	Member
Secretary, Department of Public Works and Highways	–	Member
Secretary, Department of Local Government	–	Member

The Committee shall determine and oversee the allocation among the different government departments, agencies, offices and instrumentalities, including government-owned and controlled corporations, of the two (2) parcels of land situated in the City of Cebu which were donated by the Province of Cebu to the Republic of the Philippines for National Government Center Site purposes.

The Committee shall formulate and implement the policies and guidelines in the discharge of its function. It may call upon any department, agency, office, or instrumentality, including government-owned and controlled corporations, for such assistance as it may deem necessary.

Done in the City of Manila, this 5th day of April, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 162
DISMISSING FELICISIMO L. BARBOSA, REGISTER OF DEEDS OF BATANGAS PROVINCE,
FROM THE SERVICE

This is an administrative case filed by the Administrator, National Land Titles and Deeds Registration Administration (NLTDRA) against Atty. Felicisimo L. Barbosa, Register of Deeds of Batangas Province, for grave misconduct.

The case arose from respondent's alleged "anomalous registration" on October 1, 1986, while he was then the Acting Register of Deeds of Batangas City, of an "Affidavit of Self-Adjudication", executed by Venancio M. Villapando on December 2, 1982, which resulted in the cancellation of Transfer Certificates of Title (TCT) Nos. 10948, 10949 and 10950 and the issuance, in lieu thereof, of TCT Nos. 10951, 10952 and 10953, respectively. As alleged in the complaint, respondent effected the registration of said "Affidavit of Self-Adjudication" despite his full knowledge of the pendency before the Regional Trial Court of Batangas City, Branch VII, of Petition No. 1935 for the judicial reconstitution of the destroyed or burned originals of TCT Nos. 10948, 10949 and 10950, and notwithstanding the following deficiencies: (a) non-payment of transfer tax; (b) non-submission of tax clearance; (c) non-payment of estate and inheritance taxes; and (d) absence of an affidavit of publication.

In his Answer of September 28, 1987, respondent pleaded "good faith and honest mistake" and averred that he caused the registration of the aforementioned affidavit in compliance with the order issued by the court on September 8, 1986 in Petition No. 1935. He further claimed that all the supporting documents required by law for said registration were submitted by the interested party.

On November 12, 1987, respondent waived his right to a formal investigation opting to submit his case for resolution on the basis of his answer.

The evidence on record reveals that, on October 1, 1986, a certain Godofredo Berberabe presented to the respondent for registration two (2) Affidavits of Self-Adjudication executed by Mr. Venancio Villapando – the first, dated December 2, 1982, wherein Villapando adjudicated unto himself the properties covered by TCT Nos. RT-1648 (T-2108) and RT-1649 (T-2106) and Tax Declaration No. 71-413, all in the name of Mariquita M. Vda. de Villapando; and the second, executed sometime in July, 1986, by virtue of which Villapando likewise adjudicated unto himself the properties covered by Original Certificate of Title (OCT) No. (0-420) RO-25, also in the name of Mariquita M. Vda. de Villapando. Claiming reliance on the order of the court issued on September 8, 1986 in connection with Petition No. 1935, copy of which order was presented by Godofredo Berberabe together with the aforesaid two (2) affidavits of self-adjudication, respondent caused the registration of the said affidavits.

The next day, October 2, 1986, respondent cancelled TCT Nos. RT-1649 (T-2106), RT-1648 (T-2108) and OCT No. (0-420) RO-25 and issued, in lieu thereof, TCT Nos. T-10948, T-10949 and T-10950, respectively, all in the name of Venancio Villapando.

Presented the following day with a Deed of Sale, dated October 2, 1986, executed by Mr. Villapando's Attorney-in-Fact, transferring ownership of the properties covered by TCT Nos.

10948, T-10949 and 10950, respondent (a) cancelled said titles, and (b) issued in lieu thereof TCT Nos. T-10951, T-10952 and T-10953, all in the name of the vendor, Ms. Marilyn Berberabe.

Finally, acting on Ms. Berberabe's letter-request for the cancellation of TCT Nos. T-10951, T-10952 and T-10953 and the issuance in lieu thereof of new titles in her name on the basis of Subdivision Plans Pcs-04-002915 and Pcs-04-002916 which Ms. Berberabe submitted along with her said letter, respondent cancelled TCT Nos. T-10951, T-10952 and T-10953 and issued, in lieu thereof, 490 new title certificates, all in the name of Ms. Berberabe. Respondents was unable to sign most of the certificates on account of his appointment as Register of Deeds of Batangas Province.

After due investigation, NLTDRA Administrator Teodoro G. Bonifacio, in his letter of February 2, 1988 to the Secretary of Justice, recommended that respondent be adjudged guilty of grave misconduct and dismissed from the service, with prejudice to reinstatement in the government.

In his letter to my Office dated November 13, 1989, the Secretary of Justice concurred in the NLTDRA's findings and likewise recommended the imposition upon respondent of the penalty of dismissal from the service, with all its accessory penalties.

After careful review, I agree with the Secretary of Justice.

Respondent's defense of good faith and honest mistake in registering the aforesaid two (2) Affidavits of Self-Adjudication, as correctly found by the Justice Secretary, is untenable and sans merit. Respondent's assertion that he merely relied on the "ambiguous and misleading" September 8, 1986 order of the court issued in Petition No. 1935, is too shallow and flimsy an explanation to accept and in no wise attenuates, much more exculpate him from, his liability. To suit his defense, respondent simply quoted the following portion of the aforementioned court order:

"Acting on the URGENT MOTION TO ORDER THE REGISTER OF DEEDS OF BATANGAS CITY TO ANNOTATE ON THE OWNER'S DUPLICATE COPY OF TITLE NOS. T-2108, T-2106 AND 0-420 (RD-25), PENDING RECONSTITUTION OF THE ORIGINAL COPY OF TITLE, THE DEED OF SELF-ADJUDICATION IN FAVOR OF VENANCIO M. VILLAPANDO AND TO EFFECT THE TRANSFER OF TITLE TO HIM, dated August 22, 1986, filed in the above-entitled case by counsel for the movant-petitioner, and it appearing that Atty. Felicisimo Barbosa, Acting Register of Batangas City has no objection to instant motion, as per his Certification, same is hereby granted." (Underscoring added.),

and purposely omitted the dispositive portion thereof, which reads:

"As PRAYED FOR, the Register of Deeds of Batangas City is hereby directed to cause the registration in their Primary Entry Book under 496 the AFFIDAVIT OF SELF-ADJUDICATION dated December 2, 1982 executed by Venancio M. Villapando and to annotate the same at the back of the owner's duplicate copy of Transfer Certificate of Title No. RT-1648 (2108), RT-1649 (T-2106) and Original Certificate of Title No. RO-25 (0-420), meantime that the judicial reconstitution of the original copies of said titles is pending, upon payment of the fees prescribed by law."

On respondent's above-mentioned actuation, the Justice Secretary noted:

“The aforequoted dispositive portion, couched in clear and precise terms, requires neither interpretation nor clarification. It directs the Register of Deeds of Batangas City merely to cause the registration of the Affidavit of Self-Adjudication dated 2 December 1982 in the Registry’s Primary Book and to annotate the same at the back of the owner’s duplicate copies of TCT Nos. RT-1648 (2108), RT-1649 (T-2106) and OCT No. RO-25 (0-420), pending the judicial reconstitution of the originals of the said titles.

“Respondent Barbosa deviated from the plain and simple terms of the dispositive portion of the 8 September 1986 Order when he allowed the registration of the two (2) Affidavits of Self-Adjudication presented by Mr. Berberabe. The said Order directed him to register the 2 December 1982 Affidavit only. He also disregarded completely the instruction in the said Order to allow such registration only ‘upon payment of the fees prescribed by law’ when he registered the said Affidavit notwithstanding the non-presentation of the certificates evidencing the payment of transfer and estate taxes as well as the certificate of tax clearance. Moreover, respondent Barbosa allowed the registration of the said Affidavit without the submission of the required affidavit of the publication of the said document.”

It may be added that, aware as he claims of the ambiguity of the court order issued in Petition No. 1935, respondent should have refrained from registering the aforesaid Affidavits of Self-Adjudication and, instead, inquired from the court as to the true import of its order. His failure to do so, coupled with his incipient knowledge of the decretal portion of said order, which directed the registration only of the Affidavit of Self-Adjudication dated December 2, 1982, betrays his pretense that he was misled into registering both Affidavits of Self-Adjudication.

Amplifying further on this point, the Secretary of Justice noted thus:

“... In the instant case, respondent Barbosa’s inexcusable failure not only to conform with the terms of the directive in the 8 September 1986 Order but also to comply with existing rules and regulations relative to the submission of the affidavit of publication and the certificates of revenue payments as well as his improvident haste in issuing the 490 new title certificates constitute grave misconduct. By effecting the cancellation of the mother titles and then ultimately issuing 490 new title certificates although he knew of the pendency of the petition seeking the reconstitution of the said mother titles, respondent Barbosa has manifested that, if it suits him, he is not beyond ignoring judicial directives and superimposing his own judgment, no matter how imprudent it may be.”

Needless to stress, respondent’s subsequent issuance of 490 new title certificates as a result of his intentionally wrongful implementation of said court order and in spite of his full awareness of the pendency of the petition for reconstitution before the Batangas City RTC, belies his claim of “good faith and honest mistake” in the registration of the two documents. Respondent’s actuation as such does not speak well of his position as Register of Deeds in whom the general public had reposed the trust of seeing to it that the integrity of the torrens system is maintained at all times. For his reckless and highly censurable conduct, respondent ought to be meted the condign penalty of dismissal from

the service, he having dismally failed to meet the basic standard of care and caution invariably required in the public service.

It may be so, as respondent claimed in his “Supplemental Answer” of November 23, 1987 and as borne by the records, that in an order dated November 2, 1987, the court, in Petition No. 1935, ultimately ordered the reconstitution of the original copies of TCT Nos. RT-1648 (T-2108) and RT-1649 (T-2106) and OCT No. (0-420) RO-25, after it had earlier recalled and declared null and void ab initio all the new certificates of title issued by the respondent. This circumstance, however, neither obliterate the potential harm done nor detract from the fact that respondent committed obvious acts of grave misconduct, displaying in the process sheer lack of fitness to stay further in the government service.

WHEREFORE, and as recommended by the Secretary of Justice Mr. FELICISIMO L. BARBOSA, Register of Deeds of Batangas Province, is hereby DISMISSED from the service, with all its accessory penalties, effective upon receipt of a copy of this Order.

DONE in the City of Manila, this 6th day of April, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 163
CREATING A NATIONAL COMMITTEE TO TAKE CHARGE OF THE CELEBRATION OF
PHILIPPINE INDEPENDENCE DAY ON JUNE 12, 1990

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby create a National Committee to take charge of the celebration of Philippine Independence Day on June 12, 1990.

The Committee shall be composed of the following:

Secretary of Finance	–	Chairman
Chief of Staff of the Armed Forces of the Philippines	–	Vice-Chairman
Secretary of Foreign Affairs	–	Member
Secretary of Agriculture	–	Member
Secretary of Public Works and Highways	–	Member
Secretary of Education, Culture and Sports	–	Member
Secretary of Labor and Employment	–	Member
Secretary of National Defense	–	Member
Secretary of Local Government	–	Member
Secretary of Tourism	–	Member
Secretary of Transportation and Communications	–	Member
Secretary of Social Welfare and Development	–	Member
Secretary of Budget and Management	–	Member
Press Secretary	–	Member
Head of the Presidential Management Staff	–	Member
Chief of Presidential Protocol	–	Member
Chairman, Metro Manila Authority	–	Member
Chairman of the National Historical Institute	–	Member

The Committee shall meet at the call of the Chairman and, for purposes of discharging its functions, it may create such sub-committees as may be necessary.

The Committee is hereby authorized to call upon any department, bureau, office or agency or instrumentality of the government including government-owned or controlled corporations, for such assistance as it may need in the discharge of its functions.

Done in the City of Manila, this 16th day of April, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 164
CREATING THE NATIONAL AND PROVINCIAL RICE ACTION PROGRAM TASK FORCES TO
UNDERTAKE THE RICE ACTION PROGRAM OF THE GOVERNMENT

WHEREAS, it is the State's objective to attain self-sufficiency in rice at stable and equitable price levels for both farmers and consumers;

WHEREAS, the country's rice production has steadily increased in the past twenty years but has not kept pace with the rapid growth in population and the rise in the per capita consumption of rice;

WHEREAS, cognizant of all of these, the government has formulated a Rice Action Program that seeks to: (a) increase the 1990 production of rice by 3% to 3.5% over that of 1989; (b) stabilize the 1990 price of rice at levels equitable to both consumers and producers; and (c) initiate continuing action to promote rice productivity and price stability over the long term;

WHEREAS, the success of this program necessitates the concerted efforts of the entire government machinery, the rice farmers, and the rest of the private sector at the provincial and national levels;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Creation of National Rice Action Program Task Force. – There is hereby created a National Rice Action Program Task Force composed of the following:

The Secretary of Agriculture -----	Chairman
The Presidential Coordinating Assistant for Agro-Industrial, Economic and Financial Affairs -----	Co-Chairman
The Secretary of Finance -----	Member
The Secretary of Public Works and Highways -----	Member
The Secretary of Trade and Industry -----	Member
The Secretary of Agrarian Reform -----	Member
The Secretary of Local Government -----	Member
The Secretary of Budget and Management -----	Member
The Secretary of Science and Technology -----	Member
The Administrator of the National Food Authority -----	Member
The Administrator of the National Irrigation Administration -----	Member
The President of the Land Bank of the Philippines -----	Member
The Farmers' Representative -----	Member
The Chairman, Sectoral Committee on Food Crops National Agricultural and Fishery Council -----	Member

The members of the National Rice Action Program Task Force shall serve in their respective capacities at the pleasure of the President.

SEC. 2. Functions and Responsibilities of the National Rice Action Program Task Force. – The National Rice Action Program Task Force shall have the following functions and responsibilities:

1. Coordinate and oversee the implementation of the Rice Action Program of the Government;
2. Provide the framework for the implementation of the Program and ensure that the Program's goals are attained;
3. Supervise and monitor the implementation of the Program;
4. Ensure that the necessary financial and other resources for program implementation are available when and where they are needed, particularly in the supervision of the Department of Budget and Management (DBM) in the sourcing, transfer and release of funds to participating agencies;
5. Submit monthly reports to the Office of the President on the implementation of the Program;
6. Select and appoint the farmers' representative to the National Rice Action Program Task Force; and,
7. Fulfill all other functions as may be necessary for the attainment of the goals of the Program.

SEC. 3. Creation of Provincial Rice Action Program Task Force. – There is hereby created a Provincial Rice Action Program Task Force in the twenty-seven (27) priority provinces of the Rice Action Program of the Government, namely: Pangasinan, Cagayan, Isabela, Nueva Ecija, Pampanga, Tarlac, Bulacan, Laguna, Occidental Mindoro, Oriental Mindoro, Quezon, Camarines Sur, Albay, Sorsogon, Negros Occidental, Iloilo, Capiz, Bohol, Leyte, Zamboanga del Sur, Bukidnon, South Cotabato, Davao del Sur, Davao del Norte, North Cotabato, Sultan Kudarat and Maguindanao.

The Provincial Rice Action Task Force shall be composed of the following:

The Governor -----	Chairman
The Provincial Agricultural Officer, Department of Agriculture-----	Co-Chairman
The District Engineers, Department of Public Works and Highways -----	Member
The Provincial Director, Department of Trade and Industry -----	Member
The Provincial Agrarian Reform Officer, Department of Agrarian Reform -	Member
The Provincial Irrigation Engineer, National Irrigation Administration-----	Member
The Provincial Manager, National Food Authority -----	Member
The Manager, Land Bank of the Philippines -----	Member
The Chairman, Provincial Agricultural and Fishery Council-----	Member
The Representative, Farmers' Group -----	Member

SEC. 4. Functions and Responsibilities of the Provincial Rice Action Program Task Force. – The Provincial Rice Action Program Task Force shall have the following functions and responsibilities:

1. Prepare the Operations Plan for the implementation of the program in their respective provinces and submit the same to the National Rice Action Program Task Force within fifteen (15) days after the issuance of this Administrative Order;
2. Upon the approval of such details by the National Rice Action Program Task Force, implement the program in their respective provinces;
3. Submit monthly reports on the progress of the Program to the National Rice Action Program Task Force;
4. Select and appoint the farmers' representative to the Provincial Rice Action Program Task Force; and

5. Fulfill all other functions necessary for the attainment of the goals of the Program.

SEC. 5. Secretariat Services. – The National Agricultural and Fishery Council (NAFC) shall serve as the Secretariat of the National Rice Action Program Task Force. The Office of the Provincial Agricultural Officer of the Department of Agriculture shall serve as the secretariat of the Provincial Rice Action Program Task Force.

SEC. 6. Funding. – Funds as may be necessary for the operational requirements of the National and Provincial Rice Action Program Task Forces shall be sourced from any available appropriation as may be determined by the Department of Budget and Management in accordance with existing laws.

DONE in the City of Manila, this 3rd day of May, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 165
DISMISSING VICENTE C. RENOMERON FROM OFFICE AS REGISTER OF DEEDS OF
TACLOBAN CITY.

This is an administrative case against Register of Deeds Vicente C. Renomeron of Tacloban City filed by Atty. Fernando T. Collantes, counsel for V & G Better Homes Subdivision, Inc., (hereinafter referred to as V & G) for –

“1. Neglecting or refusing inspite repeated requests and without sufficient justification, to act within reasonable time the registration of 163 Deeds of Absolute Sale With Assignment and the eventual issuance and transfer of the corresponding 163 transfer certificates of titles to the GSIS, for the purpose of obtaining some pecuniary or material benefit from the person or persons interested therein.

“2. Conduct unbecoming of a public official

“3. Dishonesty

“4. Extortion

“5. Directly receiving pecuniary or material benefit for himself in connection with pending official transaction before him.

“6. Causing undue injury to a party, the GSIS/Government through manifest partiality, evident bad faith or gross inexcusable negligence.

“7. Gross ignorance of the law and procedure.”

This case came about as a result of the alleged irregular actuations of respondent relative to the applications of V & G for registration of 163 pro forma Deeds of Absolute Sale with Assignment.

In his affidavit, dated May 29, 1987, in support of his sworn letter-complaint of the same date, Atty. Collantes detailed the circumstances surrounding the registration aforementioned. Some highlights: (a) that as early as January 15, 1987, V & G requested respondent to act on certain registrable sales documents, followed by another request on February 16, 1987 for the latter to approve or deny registration of the uniform deeds of absolute sale with assignment; (b) that no action was taken by respondent on said requests, except, among others, to require V & G to submit proof of real estate tax payment and to clarify certain details surrounding the transaction; (c) that despite compliance with the desired requirements, respondent caused the stoppage of registration, pending fulfillment by V & G of a certain “special arrangement” imposed by respondent whereby V & G shall provide respondent with a weekly round trip ticket accommodation from Tacloban to Manila and ₱2,000.00 pocket money per trip, or in lieu thereof, the sale of respondent’s Quezon City house and lot by V & G or GSIS representatives; (d) that on May 19, 1987, respondent intimated to Atty. Collantes that he will favorably act on the 163 registrable documents provided he (Atty. Collantes) execute clarificatory affidavits and send the money to pay the round trip plane ticket; (e) that the plane fare

amounting to ₱800.00 was in fact sent to respondent thru respondent's niece but without the pocket money of ₱2,000.00; and (f) that because of V & G's failure to deliver the ₱2,000.00 for pocket money in addition to the plane fare, respondent exacted additional registration requirements, prompting Atty. Collantes in his letter of May 20, 1987, to challenge respondent to act on all pending applications for registration within twenty-four (24) hours.

As records show, respondent formally denied, on May 22, 1987, registration of the transfer of 163 certificates of titles from V & G to GSIS on the uniform ground that the deeds of absolute sale with assignment are ambiguous as to the parties involved and subject matter thereof. Dissatisfied, Atty. Collantes moved to reconsider said denial on May 26, 1987, stressing that:

“Moreover, since the year 1973 continuously up to December 1986 for a period of nearly fifteen (15) years or for a sum total of more than 2,000 same set of documents which have been repeatedly and uniformly registered in the Office of the Register of Deeds of Tacloban City under Attys. Modesto Garcia and Pablo Amascual, Jr. it is only during the incumbency of Atty. Vicente C. Renomeron, that the very same documents of the same tenor have been refused or denied registration . . .”

On the following day (May 27, 1987), respondent elevated the matter en consulta to the Administrator, National Land Titles and Deeds Registration Administration (NLTDRA), who in a Resolution (Consulta No. 1579) of July 27, 1987, ruled that the questioned documents are registrable.

Meanwhile, or on June 4, 1987, Atty. Collantes, evidently exasperated by respondent's conduct, filed before the NLTDRA the instant administrative complaint supported by his aforementioned affidavit of May 29, 1987, charging respondent with the offenses specified and quoted at the outset hereof.

Informed of the charges, NLTDRA Administrator Teodoro G. Bonifacio, through a letter of June 29, 1987, directed respondent to explain in writing why no administrative disciplinary action should be taken against him on account thereof. Respondent was further asked whether he elects to submit his case on the basis of his answer or be heard in a formal investigation should one be deemed necessary.

In his Answer, dated July 9, 1987, respondent denied the charges levelled against him and claimed that, as a rule, he acted first on documents received earlier by the Registry. According to respondent, the Registry received 82 of the 163 Deeds of Absolute Sale with Assignment on January 15, 1987, and he acted on them on February 16, 1987, by suspending or temporarily denying the registration thereof, subject to the submission of documentary requirements. The Registry received the second batch of 81 documents on May 4, 1987, and he acted on them on the same day by likewise suspending the registration thereof. Respondent further denied the charges of extortion and of directly receiving pecuniary or material benefit for himself in connection with the official transactions pending before him for action.

Respondent likewise waived his right to a formal investigation and submitted the case for appropriate action. Notwithstanding such waiver, NLTDRA Administrator Teodoro G. Bonifacio assigned Atty. Leonardo Da Jose to hear the case. During the hearing, Atty. Renomeron reiterated his waiver of his right to a formal investigation. Thus, both parties submitted the case for resolution based on the pleadings.

In his undated “Investigation Report” signed on November 4, 1987, Atty. Da Jose recommended, for insufficiency of evidence, the dropping of the charges of (1) dishonesty; (2) causing undue injury

to a party through manifest partiality, evident bad faith or gross inexcusable negligence; and (3) gross ignorance of the law and procedure. He further opined that the first charge of neglecting or refusing, in spite repeated requests and without sufficient justification, to act within a reasonable time on the registration of the documents involved for the purpose of obtaining some pecuniary or material benefit from the person or persons interested therein, already absorbs the charges of conduct unbecoming of a public official, extortion and directly receiving some pecuniary or material benefit for himself in connection with the pending official transactions before him.

However, said investigating officer found sufficient evidence to establish that respondent committed the acts imputed to him under the first charge and that the latter should be liable for grave misconduct for which he should be meted the penalty imposable for said offense in its medium degree, i.e., forced resignation without prejudice to reinstatement.

In a letter of February 22, 1988, NLTDRA Administrator Teodoro G. Bonifacio transmitted to the Secretary of Justice the aforesaid Investigation Report, together with the records of the case, with the comment that:

“I agree with the findings of the Investigator that respondent failed to act with dispatch (either to deny or admit registration) on the documents of complainant, as mandated by Section 10 of P.D. 1529. It took him quite sometime (from 15 January to 23 May 1987), before he actually denied registration of the documents, thereby delaying further the registration process thereof. It appears, however, from the records that complainant failed to substantiate by convincing evidence that the delay was ‘for the purpose of obtaining some pecuniary or material benefit from the person or persons interested therein,’ as alleged in his sworn complaint.

“In view thereof, it is recommended that respondent Vicente C. Renomeron should be found guilty only of simple neglect of duty; and this being his first offense on record, he should be reprimanded to act with dispatch on documents presented for registration and be warned that a repetition of similar infraction will be dealt with more severely.”

In his letter to me, dated August 14, 1989, then Secretary of Justice Sedfrey A. Ordoñez, after due investigation of the charges, found respondent guilty of grave misconduct and recommended that he be meted the penalty of dismissal from the service, with forfeiture of leave credits and retirement benefit as well as with prejudice to reemployment in the government service, instead of mere reprimand with warning, as recommended by the NLTDRA Administrator. The former Justice Secretary stressed that:

“Our study and consideration of the records of the case indicate that ample evidence supports the Investigating Officer’s finding that the respondent committed grave misconduct.

“The respondent unreasonably delayed action on the documents presented to him for registration and, notwithstanding representations by the parties interested for expeditious action on the said documents, he continued with his inaction.

“The records indicate that the respondent eventually formally denied the registration of the documents involved; that he himself elevated the question on the registrability of the said documents to Administrator Bonifacio after he formally denied the registration thereof; that the Administrator then resolved in favor of the registrability of the said documents in question; and that, such

resolution of the Administrator notwithstanding, the respondent still refused the registration thereof but demanded from the parties interested the submission of additional requirements not adverted to in his previous denial.

“x x x

x x x

x x x

“In relation to the alleged ‘special arrangement,’ although the respondent claims that he neither touched nor received the money sent to him, on record remains uncontroverted the circumstance that his niece, Ms. de la Cruz, retrieved from him the amount of ₱800.00 earlier sent to him as plane fare, not in the original denomination of ₱100.00 bills but in ₱50.00 bills. The respondent had ample opportunity to clarify or to countervail this related incident in his letter dated 5 September 1987 to Administrator Bonifacio but he never did so.

“x x x We believe that, in this case, the respondent’s being new in office cannot serve to mitigate his liability. His being so should have motivated him to be more aware of applicable laws, rules and regulations and should have prompted him to do his best in the discharge of his duties.”

After careful study, I concur in the findings and recommendation of the Secretary of Justice. Respondent’s adamant refusal to register the 163 Deeds of Absolute Sale with Assignment of Rights, despite the NLTDRA Resolution in Consulta No. 1579 vouching for their registrability, which resolution in effect partakes of a lawful order from a superior, all the more fortifies the unwholesome impression that he was motivated by an interest to gain, thus casting serious doubt on his integrity as a public official. For so acting in the manner as he did, I am persuaded to conclude that respondent had, indeed, condescended to agree to or imposed the “special arrangement” alluded to in the complaint, which renders him totally undeserving of being retained any further in the government service.

Moreover, the fact that respondent, as he claims, is a neophyte in the Office of the Register of Deeds, he having been appointed to said position barely three (3) months at the time of the questioned transactions, is too shallow and thin a thread to proffer as an excuse for mitigating the offense he had committed. On the contrary, being relatively new in said office, respondent should have exerted his level best in discharging his duties as register of deeds so as to beget no suspicion or misgiving on his actuations.

WHEREFORE, and as recommended by the Secretary of Justice, Atty. Vicente C. Renomeron is hereby DISMISSED as Register of Deeds of Tacloban City, with forfeiture of leave credits and retirement benefits, as well as with prejudice to reemployment in the government service, effective upon receipt of a copy of this Order.

Done in the City of Manila, this 3rd day of May, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 166

DIRECTING THE USE OF THE TEN PERCENT (10%) RESERVES MANDATED BY REPUBLIC ACT 6831, CY 1990 GENERAL APPROPRIATIONS ACT, TO FUND THE ADDITIONAL REQUIREMENTS FOR SALARY STANDARDIZATION AND FOR OTHER MANDATORY AND PRIORITY PROGRAMS AND PROJECTS

WHEREAS, the full funding requirements of Republic Act No. 6758, otherwise known as the Compensation and Position Classification Act of 1989, have not been incorporated in the 1990 budgets of all the agencies;

WHEREAS, there are deficiencies in the funding requirements of mandatory and priority programs and projects of the government;

WHEREAS, Section 60 of Republic Act No. 6831 mandates the imposition of reserves equivalent to ten percent (10%) of the total non-personal services appropriations, excluding appropriation for school buildings, hospital buildings and court houses for CY 1990, of individual agencies and offices of the national government including government owned or controlled corporations;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The ten percent (10%) mandatory reserves imposed on the CY 1990 appropriations of all national government agencies and offices are hereby made available to fund the deficiency in the salary standardization, and the mandatory and priority programs and projects of the government.

SECTION 2. The Department of Budget and Management is hereby authorized to withdraw the appropriations reserves of the different agencies and offices and consolidate the same into a Reserve Control Account against which all releases for the aforesaid purposes shall be charged.

SECTION 3. The Department of Budget and Management shall issue the necessary guidelines to implement this Administrative Order, and shall insure compliance with the reportorial requirement under Section 60, of Republic Act No. 6831.

Done in the City of Manila, this 31st day of May, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 167
CREATING THE INTER-AGENCY COMMITTEE FOR THE ASIA-PACIFIC ECONOMIC
COOPERATION (APEC) AND FOR OTHER PURPOSES

WHEREAS, the Philippines was a party to the ministerial Asia-Pacific Conference on economic cooperation, held in Canberra, Australia on November 5-7, 1989;

WHEREAS, the Philippines as a participating country has been tasked to Shepherd one of the thrust of the economic cooperation, i.e., “investment and technology transfer”;

WHEREAS, there is a need to establish a body that shall formulate a national policy on Asia-Pacific Economic Cooperation (APEC) particularly on the matter of investment and technology transfer;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. There is hereby created an Inter-Agency Committee on Asia-Pacific Economic Cooperation, hereinafter referred to as the APEC Committee, to be composed of representatives from the following agencies:

Department of Foreign Affairs.....	Chairman
Department of Finance	Member
Department of Trade and Industry	Member
Department of Science and Technology	Member
National Economic and Development Authority.....	Member

The representatives, who shall hold a position not lower than assistant secretary, shall be designated by their respective heads of offices.

Sec 2. The APEC Committee shall have the following functions and responsibilities:

- a. To formulate a national policy on investment and technology transfer for approval of the President;
- b. To study and recommend the role of the private as well as the foreign sectors in the transfer of technology;
- c. To represent the country, individual or as a group, in all sub-ministerial conferences on APEC related matters;
- d. To call upon the assistance of any department or agency in the performance of its assigned tasks;
- e. To perform such other functions as the President may assign.

Sec 3. The Department of Foreign Affairs shall provide the Secretariat for the APEC Committee and the other member agencies may provide additional staff as the need arises.

Sec 4. Such amount as may be necessary for the operation of the APEC Committee, its Secretariat and attendance to conferences shall be charged equally against the applicable funds of the agencies represented in the said committee.

Sec 5. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 1st day of June, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). [*Administrative Order Nos.: 151 - 289*]. Manila: Malacañang Records Office.w

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 168
FURTHER AMENDING ADMINISTRATIVE ORDER NO. 498

WHEREAS, Administrative Order No. 498, series of 1985, as amended, prescribes, as a condition for the tax-free entry of motor vehicles brought in by returning Foreign Service personnel, including attaches and representatives of other agencies of the Philippine Government abroad, that they should be duly registered in the name of the officer/employee concerned at least two (2) years prior to his last date of service abroad; and

WHEREAS, Foreign Service personnel are by and large unable to purchase and register, mainly due to personal funding limitations and priorities, a motor vehicle until the last months of their tour of duty at their post of assignment.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order the following:

1. Number 5, Letter A, of Administrative Order No. 498, dated June 25, 1985, as amended by Administrative Order No. 22, dated May 15, 1987, is hereby further amended to read as follows:

“The Departments of Foreign Affairs and Finance shall limit the grant of tax exemption for motor vehicles brought in by returning Foreign Service personnel, including attaches and representatives of other agencies of the Philippine Government abroad, irrespective of rank or designation, to vehicles with engine displacement not exceeding 2,800 cubic centimeters or kerbweight not exceeding 1,500 kilograms, including accessories, which must be registered in the name of the returning officer or employee; Provided, That the registration shall be made at least six (6) months prior to the last date of service abroad; and Provided, Further, That where the laws of the country of assignment of a female officer or employee prohibit the registration of a motor vehicle in the name of a woman, the registration may be effected in her husband’s name or, if not married; in the name of her Embassy or Consulate upon prior approval of the Secretary of Foreign Affairs.”

2. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 1st day of June, in the year of Our Lord, Nineteen Hundred and Ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 169
PLACING THE CHEMFIELDS, INC. UNDER THE SUPERVISION OF THE
DEPARTMENT OF HEALTH

WHEREAS, Chemfields, Inc. is a government owned or controlled corporation with the government owning and controlling sixty percent (60%) of its equity;

WHEREAS, Chemfields, Inc. is the only pharmaceutical company in the country which presently produces intermediate raw materials such as ampicillin and amoxycillin;

WHEREAS, Chemfields, Inc. has been identified as the appropriate entity to advance the government's National Drug Policy, particularly its goal of self-sufficiency, through product diversification and backward integration;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of powers vested in me by law, do hereby order:

SECTION 1. Chemfields, Inc. is hereby placed under the supervision of the Department of Health, in accordance with the Administrative Code of 1987.

SECTION 2. The Secretary of Health shall render a periodic report to the Office of the President on the operations of Chemfields, Inc.

SECTION 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 1st day of June, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 170
CONSTITUTING A SPECIAL OPERATIONS TEAM FOR THE PREPARATIONS FOR THE
IMPLEMENTATION OF THE RECOMMENDATIONS OF THE LEGISLATIVE-EXECUTIVE
BASES COUNCIL ADDRESSED TO AND APPROVED BY THE PRESIDENT OF THE
PHILIPPINES

WHEREAS, the Legislative-Executive Bases Council (Bases Council) is tasked, among others, to consider and develop a detailed, in-depth, comprehensive conversion program of the properties, bases and facilities to be turned over to the Philippine Government by the United States Government;

WHEREAS, there is a need to constitute a special operations group in the Office of the President which shall be responsible for the preparations for the implementation of the recommendations of the Bases Council addressed to and approved by the President of the Philippines;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There is hereby constituted and ad hoc Special Operations Team composed of Secretary Fiorello R. Estuar as Chairman; and Secretary Aniceto Sobrepeña and Undersecretary Ernesto de Castro as Members.

SECTION 2. The Special Operations Team shall initiate preparations for the implementation of the recommendations of the Bases Council by:

- (a) coordinating all activities related to the implementation of the base conversion plans;
- (b) determining the issues and concerns arising from such implementation, and formulating such actions as may be necessary to address the same;
- (c) providing technical advice to the President on matters involving the base conversion plans; and,
- (d) performing such other tasks related to the base conversion plan which the President may assign.

The Special Operations Team shall submit a periodic report of its activities to the President through the Executive Secretary.

SECTION 3. The Special Operations Team is hereby authorized to call upon any department, bureau, office, agency or any instrumentality of the government, including government owned and controlled corporations, for such assistance as it may need in discharging its duties and activities.

SECTION 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 7th day of June, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). [*Administrative Order Nos.: 151 - 289*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 171
DISMISSING ASSISTANT CITY PROSECUTOR VENERANDO L. AGUSTIN OF
QUEZON CITY FROM THE SERVICE.

This is an administrative case against Assistant City Prosecutor Venerando L. Agustin of Quezon City filed by his immediate superior, City Prosecutor Jose F. Erestrain, Jr., for alleged rank insubordination, disrespect towards his superior, gross dishonesty and conduct prejudicial to the best interest of the service.

In his letter-complaint to then Justice Secretary Sedfrey A. Ordoñez, dated March 17, 1989, City Prosecutor Jose F. Erestrain, Jr., of Quezon City, averred that, during the monthly luncheon meeting of the Quezon City Prosecutors held at the Innocentes Farmhouse on February 10, 1989, respondent Assistant City Fiscal Venerando L. Agustin asked him if he believed the complaint lodged against the respondent by two ladies. Despite being admonished to let the matter rest as it had already been taken up between them, respondent insisted that if he (Erestrain) believed said complaint, he should file charges against respondent. Fiscal Erestrain then reminded respondent that, if a party complains once against the actuation of an assistant fiscal, he would consider it as one of the so-called occupational hazards, but when seven similar complaints are directed against the same fiscal, “that is no longer a smoke, but a fire”. Apparently resenting Fiscal Erestrain’s remark, respondent loudly proclaimed that the former was harassing fiscals and employees, instead of protecting them, to which Fiscal Erestrain replied that he could not protect dishonest fiscals or employees. Whereupon, respondent, in stentorian voice, challenged Fiscal Erestrain to file charges against him, adding: “Baka tamaan ka rin!” (I can also hit you with charges). “I can work for your ouster, too!”

Fiscal Erestrain further claimed that respondent is well known among secretaries and employees in the Fiscal’s Office for his arrogance and insolence. In support thereof, Fiscal Erestrain submitted the letter-reports of Stenographer Armida L. Bayquen and Supervising Stenographer Zenaida C. Natividad, dated January 19, 1988 (should be 1989) and November 18, 1988, respectively. According to Ms. Bayquen, sometime on January 19, 1989 at about 9:25 A.M., she was asked by respondent about the nature of the charge filed by certain complainants who were then present. When she responded that it was for a violation of a presidential decree, respondent twice retorted with arrogance: “What is that!”, to which she answered: “I do not know, Sir.”, adding that: “Kayo ho ang lawyer, siyempre alam nyo.” She was then ordered by respondent to go and research, when actually that was not her job. A few minutes thereafter, respondent asked her to get the records which he had already signed, but to her surprise, the latter threw the same on the floor, scattering them. Ms. Bayquen further stated that respondent seems to find enjoyment in scolding her, as he always does at her discomfort, and even threatened her with bodily harm, saying: “Nagpipigil lang ako sa’yo.”

For her part, Ms. Natividad narrated that, on November 17, 1988, her attention was called by respondent who was then in a sort of discussion with Stenographer Minda Patron, saying that he could shout at Ms. Patron as she is just his secretary. When she (Ms. Natividad) told respondent that Ms. Patron had requested that she be not shouted at in front of party litigants as it is so humiliating,

respondent flared up and uttered in a loud voice: “I can shout at anybody, she is only a secretary. I can shout even to my wife. You are just a division chief. Isip mo kung sino ka na riyan!” And when she asked respondent what he was mumbling about, the latter answered: “You better clean your ears.” Ms. Natividad was so humiliated because the secretaries who were around were looking at them and she just left to avoid creating a scene.

Fiscal Erestain likewise attached the affidavits of Assistant City Fiscals Lea T. Castelo, Benjamin P. Mayo and Amalia F. Dy, dated June 20, 1988, March 16, 1989 and March 20, 1989, respectively, to show that respondent had committed acts of dishonesty and over-bearing arrogance.

Fiscal Castelo stated that, sometime in June 1988, during the preliminary investigation of a case (I.S. No. 88-449) involving a violation of the Rental Law (B.P. Blg. 877), entitled “Lydia Medina, et al., vs. Le Lin Co alias Sio Kiek Beng”, wherein she was the prosecuting fiscal, respondent followed her when she went out of the room and said in a hushed tone: “May pera galing sa complainants. I like to share it with you.”

On the other hand, Fiscal Mayo affirmed in his affidavit that respondent had been persistently following up in favor of the party-respondent in an illegal recruitment case (I.S. No. 88-3078-A), entitled “Eduardo Estrada vs. Erlinda Hagad”, so much so that he was constrained to request that said case be reassigned to another prosecutor to afford justice to the party litigants.

Fiscal Dy to whom said illegal recruitment case was reassigned stated that, during the preliminary investigation thereof, respondent kept on following up the case in favor of respondent Erlinda Hagad.

Finally, Fiscal Erestain alleged that other prosecutors have likewise conveyed to him similar experiences with respondent showing the latter’s unpardonable conduct. According to Fiscal Erestain, even judges, lawyers and party litigants have not been spared from making unsavory comments against respondent. Metropolitan Trial Court (MTC) Judge Gregorio Dayrit even complained one time that respondent was interfering during the trial of a Serious Physical Injuries case, entitled “People vs. Martin Po Cham, et al.,” although he was not a trial fiscal assigned in his sala and was seen coaching the complaining witness during the trial.

By a 1st indorsement dated March 22, 1989, Chief State Prosecutor Fernando P. de Leon required respondent to submit his answer to the charges, with a right to elect a formal investigation, if he so desires. Otherwise, the case will be considered solely on the basis of the complaint and answer.

In his Answer of April 18, 1989, respondent alleged at the outset that, during the occasion mentioned in Fiscal Erestain’s complaint, he felt being alluded by the latter’s remark as the prosecutor charged with several complaints and that, emboldened by the after-effect of the several bottles of beer he drank, which were then freely served, he stood up and told Erestain why he would insult and harass him with such unfounded remarks. Respondent further averred that the two ladies (the Santillan sisters) who complained against him for allegedly asking a set of calling cards and a suiting material and demanding ₱5,000 nearly had him entrapped by the NBI through the instigation of Fiscal Erestain were it not for the revelation of Ms. Violeta Estacio, a loyal friend who was present when the Santillan sisters and Erestain planned their entrapment on account of respondent’s refusal to file an information for estafa based on the complaint of the Santillan sisters.

According to respondent, Fiscal Erestain had an ax to grind against him, as the latter suspected him to be the author of the letter-complaint for graft and corruption filed against Erestain by one Lourdes Maranan before the Justice Department, but the truth of the matter is that it was Maranan’s counsel, Atty. Arsenio Cabrera, who prepared the said letter-complaint. Respondent claimed that when Erestain summoned him to his office upon receipt of a copy of the letter-complaint, he was asked by Erestain to sign a letter to the effect that he (Erestain) never asked respondent to do anything favorable

to the Po Cham family, respondents in the Grave Oral Defamation and Serious Physical Injuries cases filed by Maranan.

Amplifying thereon, respondent averred that he had already signed the resolution and information for grave oral defamation and serious physical injuries against the Po Cham family when Fiscal Erestain called for him and in front of the accused told the latter that only he (respondent) could help them. Upon being informed of his action, Erestain felt offended and, the following day, Edith Po Cham, probably upon Erestain's advice, formally charged him with being biased and requested that the case be reassigned to another fiscal.

Respondent also denied not having offered an apology to Fiscal Erestain, claiming that, during the induction ceremonies of the incoming Board Members of the Quezon City IBP Chapter held on March 19, 1989, he approached Erestain to offer his apology but he was told by the latter that that was not the proper place and time. Respondent had earlier learned from Fiscal Myrna Vidal that Erestain wanted him to make a public apology during a meeting of the Quezon City fiscals.

Anent Fiscal Erestain's allegation in his complaint that respondent intentionally absented himself during the March 10, 1989 monthly fiscals' meeting, respondent explained that he was not purposely avoiding Erestain but that he was requested by then IBP Chapter President Atty. Confesor Sansano to start preparing the much delayed issue of "The Q.C. Lawyer," the official newsletter of the IBP Quezon City Chapter, of which fact respondent requested Atty. Sansano to inform Erestain.

On the Armida Bayquen Report, respondent claimed that he felt insulted by the arrogant manner by which Ms. Bayquen refused to heed his request to get a copy of a certain presidential decree, prompting the party litigant then present to remark that he (respondent) was being bossed around by his secretary. Respondent further alleged that the Bayquen report was never referred to him for comment nor was he called by Fiscal Erestain to explain his side of the case.

Respondent took exception to the Natividad Report by stating that Ms. Natividad was treating him as her co-equal, he being new in the office then. Respondent alleged that, while he and his secretary, Minda Patron, were in the thick of discussion, Natividad suddenly butted in and started giving him a sermon as if he were her subordinate. As in the Bayquen Report, respondent claimed that he was not given the opportunity to explain his side of the case.

Concerning the affidavit of Fiscal Castelo, respondent denied having made the remark mentioned therein, but admitted asking Fiscal Castelo, a provincemate, to help the complainants in the Rental Law case being handled by her. While claiming that the complainants in said case are his personal friends, respondent, however, denied having received a single centavo from them in connection with the said case. Respondent decried as being libelous, false and malicious Fiscal Castelo's insinuation that he used her name to obtain money from the complainants, since Lydia Medina, et al., being as poor as city rats compared to respondent, Le Lin Co Sio who is a Chinese millionaire, could not have given money to respondent to be offered as bribe to Fiscal Castelo. According to respondent, Fiscal Castelo got mad at him because she suspected that he was instrumental in the filing of an appeal by the complainants with the Department of Justice from her resolution dismissing the complaint. Respondent further averred that Fiscal Castelo's dismissal of the Rental Law case after sitting on it for nine (9) months was rather surprising, considering that there was prima facie evidence against the accused and that Le Lin Co Sio never appeared during the scheduled preliminary investigations of the case.

With regard to Fiscal Mayo's affidavit, respondent denied having constantly talked to or followed up with the former the illegal recruitment case against Erlinda Hagad and claimed that he only inquired once from Fiscal Mayo about the status of the case. Respondent alleged that Erlinda Hagad, his provincemate, requested him to verify the status of the case because of her desire to arrive at an

amicable settlement with the complainants. Respondent thus maintained that merely inquiring about the status of a case does not necessarily mean that one is asking for a favor.

In the case of Fiscal Dy, respondent admitted that he approached the former twice, once in the Quezon City Fiscal's Office and the other in Baguio City during the national convention of prosecutors, but only to inquire about the status of the criminal case filed against Erlinda Hagad, which had been reassigned to her. Respondent insisted that he never asked Fiscal Dy to favor Hagad, but that he simply conveyed to her Hagad's willingness to settle her obligation with the complainants.

Lastly, respondent branded as baseless Fiscal Erestain's allegation that prosecutors, judges, lawyers and party litigants have complained about his (respondent's) unpardonable conduct for the former's failure to name names. As for MTC Judge Gregorio Dayrit mentioned in the complaint, respondent alleged that he was allowed by the said judge to seek permission from Fiscal Erestain to appear as prosecuting fiscal in "People of the Philippines vs. Martin Po Cham, et al.", but his request was turned down. Moreover, respondent denied having interfered with the trial of the case against Po Cham, et al., he having been allegedly granted permission by Judge Dayrit to sit at the place designated for counsels. Respondent likewise denied that he coached the complaining witness in said case.

During the initial hearing of the case conducted by State Prosecutor Basilio R. Gabo, Jr., on July 13, 1989, respondent manifested that he was waiving his right to a formal investigation and moved that the case be submitted for decision on the basis of the documents presented. This notwithstanding, the investigating officer nonetheless called Fiscal Castelo and Mesdames Bayquen and Natividad to affirm their respective affidavits. For his part, respondent presented as his witnesses, Lourdes Maranan, Lydia Medina, Jose Tan and Benjamin Nabong who also affirmed their respective affidavits.

At the next hearing held on August 1, 1989, Fiscal Gertrudo Abary and Atty. Esmeraldo Acorda, counsel for Po Cham, et al., both declared that they were not affected by respondent's presence during the trial of the Po Cham case, as they were engrossed in their respective cases. Judge Dayrit likewise appeared and stated that he did not complain to Fiscal Erestain about respondent's actuation during the hearing of said case. Moreover, he added that respondent asked his permission to attend the trial and that he was not affected by respondent's presence thereat.

After due consideration, then Justice Secretary Sedfrey A. Ordoñez in his memorandum for me, dated October 3, 1989, found respondent guilty of gross misconduct and accordingly recommended that respondent be dismissed from the service, noting, among others, that:

"There is no reason or cause to doubt the credibility of Fiscal Erestain, the other complaining fiscals and stenographers whose charges have not been satisfactorily refuted in Fiscal Agustin's explanation.

"Fiscal Agustin has utterly and wantonly disregarded the norms of conduct required of a public officer – to uphold public interest, discharge his duties with utmost integrity and competence and act with justice and professionalism. His abhorrent personal conduct in dealing with his co-employees and subordinates, his practice of following up cases and influencing other fiscals to favor one party and his unusual interest in following up cases amount to gross misconduct which render him notoriously undesirable.

"In view of the foregoing, I respectfully recommend to Her Excellency the dismissal of Fiscal Venerando Agustin from the service."

After careful review, I concur in the findings and recommendation of the Secretary of Justice. Respondent's contumacious conduct during the Quezon City prosecutors' monthly meeting held on

February 10, 1989, wherein he challenged, while under the influence of liquor, City Fiscal Erestain, to file charges against him right in the midst of other city prosecutors and employees amounted no less to rank insubordination and gross disrespect towards a superior. Respondent's actuation was further exacerbated by the threat he hurled against Fiscal Erestain that he (respondent) could also file charges against and work for the latter's ouster, too. By his demeanor, respondent had set an ugly and unprecedented example to his co-prosecutors and employees of the city fiscal's office.

Moreover, respondent's arrogant and insolent manner of dealing with his subordinates does not speak well of his position and stature as assistant city prosecutor and member of the bar. Needless to emphasize, respondent's actuation as such does not conduce to a healthy and sound relationship between him and his subordinates and is bound to prejudice, if not imperil, public service. It should have occurred to respondent that the unwholesome situation he had created would tend to delay the disposition of his cases and, consequently, the dispensation of justice, which precisely he was called upon to perform.

More deserving of censure than respondent's above-mentioned offenses is his unprofessional act of following up cases being handled by other prosecutors and influencing the latter to decide in favor of certain party litigants. Being a prosecutor himself, respondent ought to realize that every complaint should be resolved with the highest degree of fairness and with utmost impartiality. By trying to influence his co-prosecutors to decide one way or the other, with or without consideration, respondent had thereby transformed himself into an instrument for evisceration of justice, which renders him undeserving of being retained any further in the prosecution service.

WHEREFORE, and as recommended by the Secretary of Justice, Assistant City Prosecutor Venerando L. Agustin of Quezon City is hereby **DISMISSED** from the service, effective upon receipt of a copy hereof.

Done in the City of Manila, this 8th day of June, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) **CORAZON C. AQUINO**

By the President:

(Sgd.) **CATALINO MACARAIG, JR.**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1990). [*Administrative Order Nos.: 151 - 289*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 172

**CREATING A COORDINATING COUNCIL FOR ROAD EXCAVATIONS, RESTORATIONS, AND
OTHER RELATED INFRASTRUCTURE ACTIVITIES FOR METROPOLITAN CEBU**

WHEREAS, continuous and uncoordinated diggings and excavations on major thoroughfares/streets in various cities and municipalities in Metropolitan Cebu cause inconvenience and poise hazards to motorists and pedestrians;

WHEREAS, Metropolitan Cebu is fast developing into an economic center with numerous infrastructure and utilities projects being undertaken to sustain its development;

WHEREAS, to harmonize rules and regulations on excavations and restorations of road and other related infrastructure activities, it is deemed imperative to establish a body for this purpose which will integrate infrastructure plans, programs and projects as well as coordinate and monitor their implementations;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Creation.* There is hereby created the Metropolitan Cebu Coordinating Council for Road Excavations, Restorations, and Other Related Infrastructure Activities, hereinafter referred to as the Council.

SEC. 2. *Composition.* The Council shall be composed of the following:

- | | |
|---|-----------------|
| 1) The Chairman, Metro Cebu Development Project Committee of the Central Visayas Regional Development Council | – Chairman |
| 2) The Chairman, Infrastructure and Utilities Committee of the Regional Development Council (RDC-IUC) | – Co-Chairman |
| 3) The Regional Director of the Department of Public Works and Highways, Region VII | – Vice-Chairman |
| 4) The Mayors of the Cities of Cebu, Lapu-Lapu, and Mandaue | – Members |
| 5) Two Private Sector Representatives to be recommended by the RDC VII Chairman | – Members |
| 6) A representative from each of the following: | |
| (a) Metro Cebu PC-INP District Command (METRODISCOM) | – Member |
| (b) Philippine Long Distance Telephone Company (PLDT) | – Member |
| (c) Visayan Electric Company (VECO) | – Member |
| (d) Metropolitan Cebu Water District (MCWD) | – Member |
| (e) Metro Cebu Development Project Office (MCDPO) | – Member |
| (f) Public Estates Authority (PEA) | – Member |
| (g) DPWH Sub-District Engineering Office | – Member |

SEC. 3. *Functions.* The Council shall have the following functions:

1. To formulate and recommend, for approval of the President, within sixty (60) days from the effectivity of this Administrative Order, such rules, regulations and systems pertaining to road diggings/excavations, restorations and other related infrastructure activities in Metropolitan Cebu, consistent with existing laws.
2. To establish a data bank for annual and long range projects including a monitoring system for on-going projects.
3. To establish a coordinative and working arrangement among government agencies and utility companies.
4. To organize sub-committee deemed necessary in the exercise of its functions.

SEC. 4. *Effectivity.* This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 15th day of June, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 173
PROVIDING FOR CERTAIN INNOVATIVE MEASURES FOR THE GOVERNMENT TO REDUCE
THE PRESSURE ON DOMESTIC INTEREST RATES

WHEREAS, innovative measures to narrow the gap between domestic interest rates and the inflation rate must be undertaken to minimize the adverse effects of high real interest rates on the economy;

WHEREAS, there are procedures and practices that lead to the increase in the float of government funds in the domestic financial system thus requiring the issuance of more securities which tend to increase domestic interest rates;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order;

SECTION 1. All government owned or controlled corporations shall not utilize drawdowns from equity contributions or subsidies provided by the National Government for any purpose other than that for which the same were appropriated. Neither such drawdowns be invested in securities, money market placements and similar investments.

SEC. 2. All government owned or controlled corporations, government financial institutions, and local government units are hereby directed to invest their idle funds in excess of normal operating requirements in medium-term and long-term government securities or in special short-term government securities.

SEC. 3. All government owned or controlled corporations are hereby directed to forthwith transfer to the National Treasury their trust accounts currently deposited in banks.

SEC. 4. All government owned or controlled corporations and government financial institutions are hereby directed to remit the dividends mandated under Executive Order No. 399 dated 24 April 1990 within one quarter after year-end subject to final determination of the amounts when the audited reports are issued. Appropriate sanctions shall be imposed on institutions that failed to comply with this Administrative Order. This provision shall not apply to the Government Service Insurance System, the Social Security System, and those government owned or controlled corporations whose profit distribution is provided for by their respective charters or special laws.

SEC. 5. The Department of Finance is hereby empowered to issue the necessary rules and regulations to implement the directives in Sections 1, 2, and 3 hereof.

SEC. 6. This Administrative Order shall take effect fifteen (15) days following the completion of its publication in the Official Gazette or in a national newspaper of general circulation.

DONE in the City of Manila, this 18th day of June, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 174
CONSTITUTING AN INTER-AGENCY COMMITTEE FOR THE EXPANDED RAIN
STIMULATION PROGRAM (ERSP)

WHEREAS, a drought situation causes immeasurable damage to the agriculture sector, reduces the expected production of agricultural commodities, and creates food shortages;

WHEREAS, drought also affects the productivity and income of farmers who comprise 70% of our population;

WHEREAS, the absence of inflow from precipitation to the water reservoirs and watersheds can cause severe shortages in power generation, irrigation and supply of potable water;

WHEREAS, the combined effects of a drought together with other calamities may damage our economy and thus hamper our development;

WHEREAS, an immediate solution to minimize the effects of drought is an institutionalized expanded rain stimulation program;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. There is hereby constituted an Inter-Agency Committee on the Expanded Rain Stimulation Program (ERSP) to be composed of the following:

The Secretary of Agriculture	– Chairman
The Secretary of Public Works and Highways	– Vice-Chairman
The President, National Power Corporation (NPC)	– Member
The Administrator, National Irrigation Administration (NIA)	– Member
The Administrator, Metropolitan Waterworks and Sewerage System (MWSS)	– Member
The Administrator, Local Water Utilities Administration (LWUA)	– Member
The Director, Philippine Atmospheric Geophysical and Astronomical Services Administration (PAG-ASA)	– Member
The Director, Bureau of Soils and Water Management (BSWM)	– Member
The Commanding Officer, Philippine Air Force (PAF)	– Member

The National Artificial Rain Stimulation, Office of the Bureau of Soils and Water Management shall act as Secretariat to the Committee.

SEC. 2. The Committee shall have the following functions:

1. To undertake overall planning and implementation for the expanded rain stimulation program;
2. To coordinate all private and government programs and activities for expanded rain stimulation;
3. To oversee the implementation of and undertake performance evaluation of the approved program.

4. To call upon any government agency, office and instrumentalities, government-owned or controlled corporations.
5. To submit to the President progress reports on the implementation of the program.

SEC. 3. The amount necessary for the operations of the Committee and its Secretariat shall be funded from any lump sum appropriations in FY 1990 budget as may be determined by the Department of Budget and Management.

SEC. 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 20th day of June, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 175

**AUTHORIZING THE PHILIPPINES FIRST INSURANCE CO., INC. TO BECOME A SURETY
UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS**

WHEREAS, Section 1 of Act No. 536, as amended, provides that “[w]henever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal, or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified, is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by . . . any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority . . .;”

WHEREAS, Section 1 of Act No. 536, as amended, further provides that “. . . no head of Department, court, judge, officer, board, or body executive, legislative or judicial shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract, or undertaking, unless such corporation has been authorized to do business in the Philippines in the manner provided by the provisions of this Act, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds, and undertakings . . .;”

WHEREAS, the PHILIPPINES FIRST INSURANCE CO., INC. is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize PHILIPPINES FIRST INSURANCE, CO., INC. to become a surety upon official recognizances, stipulations, bonds, and undertakings in such manner and under such conditions as are provided by law, subject, however, to the condition that the amount constituting the contributed surplus fund shall not at anytime be withdrawn without prior recommendation and justification by the Insurance Commissioner duly approved by the Secretary of Finance, and provided further, that the moment PHILIPPINES FIRST INSURANCE CO., INC. becomes indebted to any government instrumentality or political subdivision thereof, or to any government-owned or controlled corporation in the total amount of ₱50,000.00 accruing from the issuance of bonds, the same having become due and demandable, the insurance company must voluntarily desist from writing or issuing all kinds of bonds Until the outstanding liabilities in government bond shall have been fully paid or settled. Non-payment of liabilities shall be a cause for the immediate revocation of this Administrative Order.

DONE in the City of Manila, this 26th day of June, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 176
DESIGNATING THE PHILIPPINE CONSTABULARY/INTEGRATED NATIONAL POLICE
THROUGH THE CONSTABULARY HIGHWAY PATROL GROUP AS THE LEAD AGENCY
IN THE GOVERNMENT'S OPERATIONS AGAINST CARNAPPING AND OTHER RELATED
CRIMES

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. The Philippine Constabulary/Integrated National Police through the Constabulary Highway Patrol Group is hereby designated as the lead agency in the government's operations against carnapping and other related crimes. As such, it is hereby directed to gather evidence, conduct police investigations, file the appropriate charges with the proper body and perform all other acts which may be necessary in carrying out its mandate.

SEC. 2 All other law enforcement, investigative, security and intelligence agencies are hereby directed to assist, support and cooperate with the Philippine Constabulary/Integrated National Police in the latter's activities and operations against carnapping and other related crimes.

SEC. 3 This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 28th day of June, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 177
DIRECTING THE CONTINUED ADOPTION OF ECONOMY MEASURES IN GOVERNMENT
OPERATIONS FOR CY 1990

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. All government agencies, including local government units and government owned or controlled corporations, are hereby enjoined to adopt and implement the following economy measures for the remaining period of the fiscal year (FY) 1990:

1. Deferment of new construction and renovation of office buildings or building annexes, except those that are ongoing or those already contracted as of the effectivity of this Administrative Order, and those covered by bilateral or multilateral agreements.
2. Deferment of acquisition of land or land improvements, except infrastructure projects, projects to support tourism development and projects necessary to fulfill international commitments.
3. Disallowance of all official travels abroad, except travels which are fully funded by a donor agency other than the Philippine government, or which involve attendance in meetings required to carry out international commitments (e.g., ASEAN, GATT), or attendance in government trade and loan negotiations.
4. Discontinuance of all in-house publications which are addressed to employees of the agencies.
5. Abolition of positions which have remained vacant for over two (2) years as of the effectivity of this Administrative Order.
6. Limiting the filling of positions to only 25% of vacant positions in the central office after compliance with Item (5) above, except for agencies created or reorganized in 1990.
7. Suspension of gift givings, donations and contributions, as well as holding of athletic, cultural and sports activities, official entertainments and public relations activities funded from agency appropriations.
8. Disallowance of paid media advertisements except those concerned with the issuance of agency guidelines, rules and regulations, public biddings, as well as those concerned with informational and public service campaigns.
9. Limiting of disbursements of office supplies and materials as well as water and illumination to their 1989 actual levels.
10. Deferment of the purchase of management and staff vehicles.
11. Deferment of the purchase of office equipment, furniture and fixtures except those required in the development of information systems.
12. Discontinuance of the hiring of all consultants and contractuels except those needed in the implementation of foreign-assisted projects.

13. Disallowance of overtime payment in excess of forty (40) hours per month except as may be authorized by the Department Secretary or the head of agency concerned pursuant to the provisions of Memorandum Order No. 228, series of 1989.

SEC. 2. Expenditures funded from the Agrarian Reform Fund, those covered by the National Reconciliation and Development Program, and those released directly to local government units shall be exempted from the provisions of this Administrative Order.

SEC. 3. The internal guidelines to implement the foregoing economy measures shall be issued by the agency head. A report on the estimated savings to be generated from such measures shall be submitted to the Office of the President through the Department of Budget and Management, on or before July 15, 1990.

SEC. 4. The Department of Budget and Management shall monitor the compliance of the agencies with this Administrative Order and report to the Office of the President on such compliance and on total savings generated from these economy measures.

SEC. 5. National Emergency Memorandum Order No. 24, S. of 1990, is hereby deemed superseded.

SEC. 6. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 29th day of June, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 178

DESIGNATING THE OFFICE OF ENERGY AFFAIRS AS ADMINISTRATOR OF THE
PETROLEUM PRICE STANDBY FUND ESTABLISHED UNDER REPUBLIC ACT NO. 6952

WHEREAS, Republic Act No. 6952 established the Petroleum Price Standby Fund (PPSF) under the administration of the Office of the President to support the Oil Price Stabilization Fund (OPSF) created under Presidential Decree No. 1956 as amended by Executive Order No. 137, S. of 1987;

WHEREAS, the Office of the Energy Affairs is an agency under the Office of the President;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Office of Energy Affairs is hereby designated as the administrator of the Petroleum Price Standby Fund (PPSF).

SEC. 2. In the performance of its functions and responsibilities pursuant to this designation, the Office of Energy Affairs shall be guided by the Republic Act No. 6952 and its implementing rules and regulations to be issued jointly by the Department of Finance and the Department of Budget and Management.

SEC. 3 This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 29th day of June, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 179
IMPOSING THE PENALTY OF SUSPENSION FROM OFFICE ON SANTIAGO LABANEN,
PRESIDENT, ABRA STATE INSTITUTE OF SCIENCES AND TECHNOLOGY, FOR A
PERIOD OF SIX (6) MONTHS.

This refers to the administrative complaint, dated February 29, 1988, filed by Mr. Medardo Besas, et al., against respondent Santiago S. Labanen, President, Abra State Institute of Sciences and Technology (ASIST), for alleged gross negligence, inefficiency and abuse of authority for non-remittance of GSIS premiums regularly deducted from the salaries of all teachers and employees of ASIST.

Complainants alleged that ASIST has been deducting their GSIS premiums from their monthly salaries regularly; that in September 1987, they applied for calamity loan but they were informed by the GSIS that they cannot be granted because their premiums were not duly remitted; and, that the total monthly deduction from the salaries of all employees and teachers was more or less ₱40,000.00 but, since July 1987 up to February 1988, no remittance of said deduction amounting to ₱320,000.00, more or less, was made by ASIST to the GSIS.

In his Answer, dated December 1, 1988, respondent refuted the charges against him by stating, among others, that:

1. The school, in compliance with National Compensation Circular No. 47, dated April 3, 1987, of the Department of Budget and Management (DBM), which mandated the grant of salary increases to rank-and-file national government employees, utilized its savings from Personal Services pursuant to Joint Circular No. 3-87.

2. Since said savings were insufficient, the school, in its honest desire to satisfy the urgent and persistent clamor of the employees, including the complainants, advanced every available fund under Personal Services with the intention of settling/liquidating the same as soon as the request for funding of salary increases is released.

3. Upon completion of the payments, the school immediately requested the DBM for release of funds to replenish the amounts advanced for said salary increases. On December 2, 1987, an advice for allotment in the amount of ₱381,226.00 was released by the DBM and, thereafter, the amount of ₱216,033.16 was remitted to the GSIS to cover the delayed remittances;

4. The utilization of the teachers' and employees' premiums was done in good faith, with no intent to gain and borne out of goodwill, considering that the practice seemed tolerated; and

5. Finally, granting that there was indeed a delayed remittance of collected/ deducted premiums to the GSIS, herein respondent should not be faulted for such negligence, considering that the duty/function of collecting and deducting

premiums and transmitting the same to the GSIS officially belongs to the School Cashier.

On May 8, 1989, respondent was preventively suspended for ninety (90) days on the ground that, on the basis of the evidence submitted, there exists a *prima facie* case against him. In a letter of the same date, my office referred the case against respondent to the Department of Education, Culture and Sports (DECS) for formal investigation and submission of its findings and recommendation thereon. Finally, the Investigating Committee created by the DECS submitted its Consolidated Report, dated October 5, 1989, which was forwarded to my office thru a letter, dated October 27, 1989 of then DECS Acting Secretary Luis R. Baltazar.

Using as basis the stipulation of facts and documents presented, the DECS investigating Committee made the following findings and observations:

1. That the administration has been deducting GSIS premiums, policy and salary loan amortization monthly and regularly from the 128 employees (teaching and non-teaching) of the ASIST. The following deductions and remittances were made:
 - a) On March 8, 1988, the amount of ₱216,033.16 was remitted by the ASIST for the period July, 1987 to December, 1987. The GSIS received said amount on March 9, 1988;
 - b) On April 11, 1988, the amount of ₱34,463.46 (for January 1988) was prepared and received by the GSIS on April 12, 1988; and
 - c) On April 25, 1988, the amount of ₱39,609.01 (for February, 1988) was prepared and received by the GSIS on April 28, 1988.
2. The GSIS premiums (life and retirement) are mandatory contributions and were deducted every 15th day of the month, while the policy and salary loan amortizations were deducted every 30th day of the month.
3. When deductions in the payrolls were made, there was no actual physical transfer of cash. Only the total net salary was covered by the cash advance. The deductions remained in the bank balance.
4. The salary differential for the months of March and April 1987, were paid out of funds for personal services. In May and June, 1987, savings were used. It was only in July, 1987 to December, 1987 that trust liabilities were utilized.
5. Complainants' allegation that the total monthly deductions from the teachers' and employees' salaries amounted to more or less ₱40,000.00 and that, since July 1987 up to February, 1989 (for a total amount of ₱320,000.00 more or less), no amount was remitted to the GSIS, was a mere estimate and without iota of proof. However, the DECS Investigating Committee, concluded that there was indeed a delay in the remittances, as cited in Nos. 1-a, 1-b and 1-c hereinabove mentioned.

The Committee likewise observed that, on July 31, 1987, the ASIST requested the amount of ₱678,000.00 from the DBM (Exhibit "4") purportedly to replenish the amount advanced for the payment of salary increases. However, on December 2, 1987, only the amount of ₱381,226.00 was released (Exhibit "Q") by the DBM on the condition that the said amount "shall be used only for payment of salary adjustments" as implemented by National Compensation Circular (NCC) Nos. 47

and 48, respectively, and “for no other purpose”. Respondent alleged that the school remitted the amount of ₱216,033.16 to the GSIS on March 8, 1988. On the other hand, complainants countered that the said amount was not actually used to replenish the cash advance for payment of salaries but for other transactions, as evidenced by the different disbursement vouchers/checks (Exhibits “O”, “O-1” to “O-125”) which were mostly unsigned and/or partially signed.

The DECS Investigating Committee ventured to ask the following queries:

1. Was the delay in the remittance and use of the GSIS contributions (premiums) and salary and policy loan amortizations for payment of salary increases of ASIST teachers and employees under NCC Nos. 47 and 48 authorized by law?
2. Was the amount of ₱216,033.16 taken from the amount of ₱381,226.00 released by the DBM for replenishment of advanced payments for salary increases or did it come from succeeding releases?
3. Was it proper to issue checks based on totally unsigned or partially signed vouchers and other supporting documents, as shown in Exhibits “O”, “O-1” to “O-125”? and
4. Was the delay in the remittance to the GSIS after receipts of the replenishment from December 2, 1987 to March 7, 1988, justified?

With respect to the first query, the records indubitably attest that respondent did not remit to the GSIS the amounts representing the teachers’ and employees’ premium contributions and salary and policy loan amortizations but instead utilized the same in paying the aforementioned salary increases. Hence, the delay.

The use of deductions for salary/policy loan amortization in payment of salary increases of ASIST employees is undoubtedly a violation of Presidential Decree No. 1146, entitled “Revised Government Service Insurance Act of 1977”. Under this decree, only the GSIS contributions from life and retirement premiums under Section 5(a) thereof may be utilized for salaries and wages. Thus, Section 6 of PD No. 1146, emphatically reads:

“Sec. 6. – Collection and Remittance of Contributions. – (a) It shall be compulsory upon the employer to deduct and withhold each month from the monthly salary of each employee the contributions payable by him and to remit the same and its shares to the System within the first ten days of each calendar month following the month to which the contributions apply. The remittance of the contributions may be made in advance quarterly or semi-annually or annually, the contributions payable by the employee to be advanced by his employer: Provided, That, upon separation of an employee, any contributions so paid in advance but not due shall be credited or refunded to his employer. The remittance by the employer of said contributions to the System shall be in preference to the payment of other obligation, except salaries and wages of its employees.” (Underscoring supplied.)

As correctly observed by the Investigating Committee “[T]here is no law authorizing the use of policy and salary loan deductions for salaries and wages”.

The second issue is very revealing. The amount of ₱216,033.16 allegedly remitted to the GSIS on March 8, 1988, was not taken from the amount of ₱381,226.00 released by the DBM on December 2, 1987, for replenishment of the amount paid for salary increases because, as shown in Exhibit “N”,

the trial balance of ASIST in the bank as of December 31, 1987 had only ₱253.36, way below the amount to be remitted. The DECS Investigating Committee concluded, and rightly so, that the amount of ₱216,033.16 was taken from succeeding releases and was not actually remitted to the GSIS but was utilized for other purposes.

Respondent may have acted in good faith in using the GSIS contribution for salary increases of ASIST employees. However, the amount supposed to be used for said purpose may come from life and retirement premiums of complainants but not from their policy and salary loan deductions, which is not authorized under PD No. 1146. Besides, the resultant delay in the remittances to the GSIS is inexcusable.

The evidence on record further shows that several vouchers and other supporting documents, which were made the basis for issuance of the corresponding checks, were submitted unsigned or partly signed. This, again, is in contravention of the express provisions of Section 4, paragraphs (5) and (6), of Presidential Decree No. 1445 (Ordaining and Instituting A Government Auditing Code of the Philippines), which mandates that:

“Section 4. Fundamental principles. – Financial transactions and operations of any government agency shall be governed by the fundamental principles set forth hereunder, to wit:

“x x x

x x x

x x x

“(5) Disbursements or disposition of government funds or property shall invariably bear the approval of the proper officials.

“(6) Claims against government funds shall be supported with complete documentation.”

The foregoing circumstance, coupled with the findings of the DECS Investigating Committee that respondent used the salary and policy loan deductions of ASIST employees and personnel for the payment of salary increases, and the delay in the transmittal and use for other purpose(s) of the amount of ₱216,033.16 intended for remittance to the GSIS is strongly supportive of the charges of gross neglect of duty, inefficiency and abuse of authority.

In fine, the DECS Investigating Committee found respondent guilty as charged and recommended the imposition of the penalty of transfer or demotion in rank or salary of one (1) grade or fine or suspension from one (1) month and one (1) day to six (6) months in its minimum period. The Committee cited in its recommendation that three (3) mitigating circumstances may be applied to respondent, namely, (1) good faith; (2) length of service in the government; and (3) first offense, while the charges of abuse of authority and inefficiency may be considered as aggravating circumstances, for they are not as serious as gross neglect of duty.

After careful study, I concur in the findings of the DECS Investigating Committee. From the records, the following were duly established:

1. Respondent failed to remit to the GSIS the employees' premiums collected from July, 1987 to February 1988, to the prejudice of the complainants whose calamity loans were not granted;
2. The amount of ₱216,033.16, which respondent claimed to have remitted to the GSIS on March 8, 1988, could not have come from the ₱381,226.00 released by the DBM on December 2, 1987, since the bank balance of ASIST as of December 31, 1987, was only ₱253.36. The aforesaid amount (₱216,033.16) was therefore used for a purpose other than

for which it was released. Consequently, respondent's act resulted in unreasonable delay in the remittance thereof to the GSIS from December 2, 1987 to March 8, 1988; and

3. Respondent violated Section 4, paragraphs (5) and (6), of PD No. 1445 and Section 46 of PD No. 1177 when checks were drawn, despite the presence of improper signatures or partially signed supporting documents.

Respondent's contention that he may not be held liable for the delayed remittance to the GSIS of collected/deducted premiums because the said duty pertains to the School Cashier deserves no serious consideration in the light of paragraph (4), Section 4, supra, of PD 1445, which unequivocally states:

“(4) Fiscal responsibility shall, to the greatest extent, be shared by all those exercising authority over the financial affairs, transactions, operations of the government agency.” (Underscoring supplied).

Respondent's actuations, therefore, do not speak well of his lofty position as President of a state college, which requires the highest degree of competence, efficiency, integrity and honesty in the discharge of his official duties and responsibilities. Nonetheless, given the mitigating circumstances rightly appreciated by the DECS Investigating Committee in favor of the respondent, I am inclined to view his case with a certain degree of leniency. For this reason, I consider the penalty of six (6) months' suspension from office as commensurate with the offense committed by him.

WHEREFORE, Mr. Santiago S. Labanen, President of the Abra State Institute of Sciences and Technology (ASIST), is hereby found GUILTY of gross negligence, inefficiency and abuse of authority as charged and, accordingly, SUSPENDED from office for a period of six (6) months effective upon receipt of a copy hereof.

Done in the City of Manila, this 2nd day of July, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 180

DIRECTING THE DEPARTMENT OF LOCAL GOVERNMENT AND DEPARTMENT OF NATIONAL DEFENSE TO CONVENE A JOINT DLG-DND SPECIAL INVESTIGATING COMMITTEE TO INVESTIGATE THE SERIES OF VIOLENT INCIDENTS IN JOLO, SULU ALLEGEDLY INVOLVING THE FOLLOWERS OF VICE-GOVERNOR KIMARPASA TULAWIE AND MAYOR HADJI SUOD TAN

The Department of Local Government and Department of National Defense are hereby directed to convene a Joint DLG-DND Special Investigating Committee to investigate the series of violent incidents in Jolo, Sulu allegedly involving the followers of Vice-Governor Kimarpasa Tulawie and Mayor Hadji Suod Tan, for the purpose of determining all the facts and circumstances regarding the said incidents and the persons responsible therefor, and recommending the appropriate corrective and preventive measures.

The Joint DLG-DND Special Investigating Committee shall be composed of an Undersecretary of Local Government as Chairman, Undersecretary of National Defense as Co-Chairman, and two (2) representatives each from the two departments, all to be designated by their respective Secretaries.

For the purpose of the investigation, the Joint DLG-DND Special Investigating Committee and its investigators are hereby granted all the powers of an investigating body under the Administrative Code of 1987, including the power to summon witnesses, administer oaths, take testimony or evidence relevant to the investigation and to obtain compulsory processes to produce documents, books, records and such other matters in the performance of their functions.

All the departments, bureaus, offices, agencies or instrumentalities including government owned or controlled corporations are hereby directed to extend such assistance and cooperation as the Joint DLG-DND Special Investigating Committee may need in the discharge of its functions.

DONE in the City of Manila, this 3rd day of July, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 181

DIRECTING THE SECRETARY OF BUDGET AND MANAGEMENT TO ASSIST RURAL ELECTRIC COOPERATIVES RECOVER BACK ACCOUNTS DUE FROM LOCAL AND NATIONAL GOVERNMENT AGENCIES/UNITS INCLUDING MILITARY ESTABLISHMENTS.

WHEREAS, there is an imperative need to accelerate the Rural Electrification Program in the Philippines;

WHEREAS, the effective participation of financially stable rural electric cooperatives is necessary to ensure the implementation of the objectives of the program;

WHEREAS, it is in the best interest of the Government to assist rural electric cooperatives recover back accounts due from national and local government agencies/units, including military establishments;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the power vested in me by law, do hereby authorize the Secretary of Budget and Management:

1. To pay back accounts of national government agencies, including military establishments, with rural electric cooperatives out of the actual or forthcoming Advise of Allotment releases to such agencies, subject to confirmation by the debtor agencies of such account.
2. To withhold, out of the internal revenue allotment releases to local government units, the amount equivalent to their confirmed delinquent accounts to be remitted directly to the rural electric cooperatives, subject, if applicable, to the confirmation and approval requirements of COA Circular 84-231.
3. To coordinate with the Secretary of Local Government in the implementation of item 2 of this Administrative Order to obviate possible distortion of local government financial operations.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 10th day of July, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 182

CONSTITUTING A FACT FINDING COMMITTEE FOR THE INVESTIGATION OF ALL THE FACTS AND CIRCUMSTANCES OF THE SEIZURE OF TEN (10) KILOS OF HEROIN AND THE SHOOTING INCIDENT ON JULY 10, 1990 AT THE MAGALLANES COMMERCIAL CENTER, MAKATI, METRO MANILA

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. There is hereby constituted a Fact Finding Committee to conduct an investigation of all the facts and circumstances of the seizure of ten (10) kilos of heroin and the shooting incident on July 10, 1990 at the Magallanes Commercial Center, Makati, Metro Manila.

The Committee shall be composed of:

Chairman	:	Secretary Magdangal B. Elma Office of the President
Members	:	(a) Undersecretary Leonardo Quisumbing Department of National Defense
	:	(b) Undersecretary Eduardo Montenegro Department of Justice

SEC. 2. The Committee is hereby granted the powers of an investigating body under Section 37, Chapter 9, Book I of the Administrative Code of 1987 including the power to summon witnesses, administer oaths, take testimony or evidence relevant to the investigation, and to issue compulsory processes to produce documents, books, records and such other matters, in the performance of its functions.

Any person who, without lawful excuse, fails to appear upon summons issued under the authority of the preceding paragraph or who, appearing before the Committee, refuses to take oath, give testimony or produce documents for inspection, when thereunto lawfully required, shall be subject to discipline as in the case of contempt of court upon application of the Committee before the proper court, in the manner provided for by law.

SEC. 3. The Committee is hereby authorized to engage the services of resource persons, professionals and other personnel which may be necessary to carry out its functions, and to authorize the payment of remuneration, honoraria and/or allowances to said personnel.

SEC. 4. The Office of the President shall establish a Special Secretariat for the technical and staff support of the Committee. For this purpose, the Executive Secretary is hereby authorized to detail any personnel from any government office to assist the Committee.

SEC. 5. The Committee is hereby authorized to deputize any law enforcing agency to assist it in the performance of its functions.

SEC. 6. The departments, bureaus, offices, agencies or instrumentalities including government owned or controlled corporations are hereby directed to extend such assistance and cooperation as the Committee may need in the discharge of its functions.

SEC. 7. The Office of the President shall provide the necessary funds for the operations of the Committee.

SEC. 8. The Committee shall evaluate all the facts and circumstances of the case and submit its findings and recommendations to the President of the Philippines.

SEC. 9. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 13th day of July, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 183
CONSTITUTING A DISASTER RELIEF COORDINATING TEAM FOR BAGUIO CITY

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. There is hereby constituted a Disaster Relief Coordinating Team for Baguio City for the purpose of coordination of all the operations of government and volunteer non-governmental organizations in the rescue of, and provision of relief and rehabilitation services to, the victims in Baguio City of the July 16, 1990 earthquake.

The Team shall be composed of:

Chairman	Secretary Jose P. de Jesus Office of the President
Members	Undersecretary Eduardo Ermita Department of National Defense Undersecretary Mario Taguiwalo Undersecretary Antonio Periquet Department of Health Undersecretary Horacio Paredes Office of the Press Secretary

SEC. 2. All the departments, bureaus, offices, agencies or instrumentalities including government owned or controlled corporations are hereby directed to extend such assistance and cooperation as the Team may need in the discharge of its functions.

SEC. 3. The Office of the President and the concerned departments shall provide the necessary funds for the operations of the Team.

SEC. 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 17th day of July, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 184
CONSTITUTING A DISASTER RELIEF COORDINATING TEAM FOR THE
PROVINCE OF PANGASINAN

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. There is hereby constituted a Disaster Relief Coordinating Team for Pangasinan for the purpose of coordination of all the operations of government and volunteer non-governmental organizations in the rescue of, and provision of relief and rehabilitation services to, the victims in Pangasinan of the July 16, 1990 earthquake.

The Team shall be composed of:

Chairman	:	Secretary Alfredo R.A. Bengzon Department of Health
Members	:	Representative Department of National Defense Representative Department of Public Works and Highways Representative Office of the Press Secretary

SEC. 2. All the departments, bureaus, offices, agencies or instrumentalities including government owned or controlled corporations are hereby directed to extend such assistance and cooperation as the Team may need in the discharge of its functions.

SEC. 3. The Office of the President and the concerned departments shall provide the necessary funds for the operations of the Team.

SEC. 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 18th day of July, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 185
CONSTITUTING A DISASTER RELIEF COORDINATING TEAM FOR THE PROVINCES OF
NUEVA ECIJA AND NUEVA VIZCAYA

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. There is hereby constituted a Disaster Relief Coordinating Team for the Provinces of Nueva Ecija and Nueva Vizcaya for the purpose of coordination of all the operations of government and volunteer non-governmental organizations in the rescue of, and provision of relief and rehabilitation services to, the victims of the July 16, 1990 earthquake in these provinces.

The Team shall be composed of:

Chairman	:	Hon. Manuel A. Estrella Philippine National Oil Company
Members	:	Representative Department of National Defense Representative Department of Public Works and Highways Representative Office of the Press Secretary

SEC. 2. All the departments, bureaus, offices, agencies or instrumentalities including government owned or controlled corporations are hereby directed to extend such assistance and cooperation as the Team may need in the discharge of its functions.

SEC. 3. The Office of the President and the concerned departments shall provide the necessary funds for the operations of the Team.

SEC. 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 20th day of July, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 186
DIRECTING CERTAIN PREPARATORY MEASURES FOR A RECONSTRUCTION PROGRAM
FOR THE AREAS DAMAGED BY THE RECENT EARTHQUAKE

WHEREAS, the World Bank and the Asian Development Bank have expressed interest in providing a rehabilitation loan to assist our country in its reconstruction program in the wake of the July 16, 1990 earthquake;

WHEREAS, there is need to make an initial assessment of the extent of the damages to public infrastructure and to private business establishments caused by the earthquake;

WHEREAS, it is imperative to mobilize medium and long term financial resources from various sources in order to finance a reconstruction program for the areas damaged by the earthquake;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Department of Finance is hereby directed to coordinate all efforts required to negotiate for loans and grants-in-aid from multilateral and bilateral sources of medium and long-term funds for a reconstruction program for the areas damaged by the earthquake.

SEC. 2. The Department of Public Works and Highways is hereby directed to coordinate all the concerned departments and agencies in determining the extent of the damages and in formulating an operational reconstruction program to be used as basis for loan negotiations and for project implementation.

For this purpose, the following departments and agencies are hereby instructed to coordinate closely with the Department of Public Works and Highways:

- (a) Department of Transportation and Communication
- (b) Department of Education, Culture and Sports
- (c) Department of National Defense
- (d) National Power Corporation
- (e) National Housing Authority
- (f) National Electrification Administration
- (g) Local Water Utilities Administration

SEC. 3. The Office of the President shall oversee the implementation of this Administrative Order.

SEC. 4. All the concerned departments are hereby enjoined to submit periodic reports of the actions taken pursuant to this Administrative Order.

SEC. 5. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 20th day of July, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 187
CONSTITUTING A SPECIAL OPERATIONS TEAM FOR THE PREPARATIONS AND INITIAL
IMPLEMENTATION OF THE RECOMMENDATIONS OF THE LEGISLATIVE-EXECUTIVE
BASES COUNCIL ADDRESSED TO AND APPROVED BY THE PRESIDENT OF THE
PHILIPPINES

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. There is hereby constituted a Special Operations Team composed of Secretary Fiorello R. Estuar as Chairman, and Cabinet Secretary Aniceto Sobrepeña and Undersecretary Ernesto de Castro as Members.

SECTION 2. The Special Operations Team shall prepare for and initiate the implementation of the recommendations of the Bases Council by:

- (a) coordinating all activities related to the implementation of the base conversion plans;
- (b) determining the issues and concerns related to the implementation, and formulating such actions as may be necessary to address the same;
- (c) providing technical advice to the President on matters involving the base conversion plans;
- (d) beginning physical implementation of projects where feasible; and,
- (e) performing such other tasks related to the base conversion plan which the President may assign.

SECTION 3. The Special Operations Team shall continue to perform its functions until such time that a "Bases Development Authority" is organized and fully operational.

The Special Operations Team shall submit a periodic report of its activities to the President through the Executive Secretary.

SECTION 4. The Special Operations Team shall be assisted by such staff as may be necessary to be provided as part of the staff of the Office of the President.

The Special Operations Team is hereby authorized to call upon any department, bureau, office, agency or any instrumentality of the government, including government owned and controlled corporations, for such assistance as it may need in discharging its duties and activities.

SECTION 5. The Office of the President shall allocate the funds necessary for the operations of the Committee, chargeable against its appropriations, subject to the usual accounting and auditing rules and regulations.

SECTION 6. Administrative Order No. 170, S. of 1990, is hereby deemed superseded.

SECTION 7. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 27th day of July, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 188

DIRECTING THE NATIONAL ECONOMIC DEVELOPMENT AUTHORITY TO REVIEW AND UPDATE THE MEDIUM TERM PHILIPPINE DEVELOPMENT PLAN FOR 1990-1992 FOR THE PURPOSE OF INTEGRATING THEREIN A RECONSTRUCTION AND DEVELOPMENT PROGRAM FOR THE REGIONS, PROVINCES, CITIES AND MUNICIPALITIES AFFECTED BY THE JULY 16, 1990 EARTHQUAKE AND OTHER NATURAL CALAMITIES

WHEREAS, the Medium-Term Philippine Development Plan (MTPDP) for 1987-1992, including the supportive regional development plans and investment programs, had been adopted pursuant to Proclamation No. 51, S. of 1986;

WHEREAS, the recent earthquake and other natural calamities around the country have caused substantial loss of lives, and considerable damage to private and public property and infrastructure;

WHEREAS, there is an urgent need to consider the rehabilitation and reconstruction of the regions, provinces, cities and municipalities affected by the earthquake and other natural calamities, to minimize the economic disruption in these places and to obviate possible adverse consequences on our stabilization and growth objectives in the medium-term;

WHEREAS, the rehabilitation and the reconstruction of the affected areas would need the full cooperation, as well as timely and decisive actions, of all concerned agencies at the national, the regional and the sub-regional levels, including the Regional and Local Development Councils;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The National Economic and Development Authority is hereby directed to review and update the Medium-Term Philippine Development Plan for 1990 to 1992 for the purpose integrating therein a reconstruction and development program for the regions, provinces, cities and municipalities devastated by the recent earthquake and the other natural calamities that visited our country.

For this purpose, the NEDA Director General is hereby instructed to convene the Inter-Agency Technical Sub-Committee created under NEDA Memorandum Order 2-86 dated May 13, 1986 which shall submit its recommendations to the NEDA Board on or before October 31, 1990.

SECTION 2. All the line departments and agencies shall augment their respective personnel complement in the areas affected by the recent earthquake and other natural calamities to enable the expeditious formulation of the reconstruction and development program, including the physical framework, by the respective Regional, Provincial, City and Municipal Development Councils.

SECTION 3. The NEDA Director General is hereby authorized to constitute Inter-Agency Task Forces as may be necessary, and issue the appropriate guidelines to implement this Administrative order.

DONE in the City of Manila, this 30th day of July, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 189
CONSTITUTING A DISASTER RELIEF COORDINATING TEAM FOR THE PROVINCE OF
LA UNION

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. There is hereby constituted a Disaster Relief Coordinating Team for the Province of La Union for the purpose of coordination of all the operations of government and volunteer non-governmental organizations in the rescue of, and provision of relief and rehabilitation services to, the victims of the July 16, 1990 earthquake in the Province of La Union.

The Team shall be composed of:

Chairman	Undersecretary Edmundo V. Mir Department of Public Works and Highways
Members	Representative Department of National Defense Representative Department of Health Representative Office of the Press Secretary

SEC. 2. All the departments, bureaus, offices, agencies or instrumentalities including government owned or controlled corporations are hereby directed to extend such assistance and cooperation as the Team may need in the discharge of its functions.

SEC. 3. The Office of the President and the concerned departments shall provide the necessary funds for the operations of the Team.

SEC. 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 30th day of July, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 190
DISMISSING JULIUS G. MALOLES, COUNSELLOR, DEPARTMENT OF FOREIGN AFFAIRS,
FROM THE SERVICE.

This refers to the administrative case against Julius G. Maloles, Counsellor in the Department of Foreign Affairs (DFA), for alleged grave misconduct, violation of DFA rules and regulations and conduct prejudicial to the best interest of the service.

Records show that, on August 30, 1984, the then Ministry (now Department) of Foreign Affairs (MFA) received a telex from the Philippine Consulate General in Hongkong informing the Home Office that, on August 28, 1984, Consul General Soekotjo of Indonesia in Hongkong, upon instructions from his government, inquired about a certain Julius Maloles who entered Jakarta on July 19, 1984, with three (3) suitcases later electronically detected to contain metals, contrary to the man's declaration that they contained only official documents. The man allegedly presented a diplomatic passport purportedly in the name of Julius Maloles and claimed to have come from the Philippine Consulate General, Hongkong, and was being reassigned to Jakarta as Consul General.

Subsequently, or on September 10, 1984, the Philippine Consulate in Hongkong, through Principal Officer Clemencio Montesa, again informed the Home Office that Consul General Soekotjo called him up informing him of the reported loss of Maloles' passport and that someone had found and misused it. Also, on September 12, 1984, Manuel T. Yan, then Philippine Ambassador to Indonesia, reported to the Home Office that, on September 5, 1984, the Deputy Director of the Directorate for Diplomatic Facility of the Department of Foreign Affairs, Republic of Indonesia, informed the Philippine Embassy thereat that Maloles arrived in Jakarta from Singapore on July 19, 1984, bringing with him three (3) suitcases weighing 50 kilos; that, without Maloles' knowledge, while the suitcases were passing through the scanning machine at the airport, the same were found to contain solid or metallic materials, presumably gold, but were not opened because Maloles was carrying a diplomatic passport No. 5154; that, when asked on the purpose of his visit to Indonesia and the contents of the suitcases, he told the customs authorities that he had been assigned to Jakarta as Consul-General and that the contents of the suitcases were purely documents. Maloles, who was followed outside the customs area was met by a Honda Civic car, which proceeded to the Philippine Embassy Compound. After a while, the car left the Embassy but the surveillance group lost sight of the car after following it.

In his memorandum, dated September 27, 1984, to Ambassador Vicente G. Reyes, then Head of Administration, respondent Maloles stated that he discovered the loss of his passport after the cable from Hongkong was brought to his attention; that he normally uses his passport at the MIA to meet or see off friends; and that he immediately reported the loss of said passport to the INTERPOL and requested its assistance to apprehend the impostor who made use of the same.

Upon instructions from the Home Office, then Ambassador Yan, thru a confidential letter, dated November 9, 1984, sent thereto two (2) photocopies of respondent's disembarkation/embarkation cards in Jakarta, Indonesia. Said cards showed that respondent arrived in Jakarta on July 16, 1984 and left on July 17, 1984, re-entered Jakarta on July 19, 1984, and departed on the same day.

The Ambassador added that, on the basis of the Embassy's log book, there was no Honda Civic car that entered the Embassy's premises on that day; and that nobody in the Embassy's Staff saw respondent and neither did the security guards who were all Indonesians and were not expected to know respondent.

On January 7, 1985, respondent was required by then Minister of Foreign Affairs Arturo M. Tolentino to comment on the dispatches emanating from Jakarta and the cablegrams from the Philippine Consulate General in Hongkong.

In his reply of January 11, 1985, respondent, among others, denied having travelled to Jakarta on the dates abovementioned and claimed (a) that his diplomatic passport got lost and must have fallen into the "hands of one who must have made use of the same in carrying out his nefarious activities"; (b) that he uses his passport in entering the MIA premises to meet and see off friends; and (c) that the entries in the embarkation and disembarkation cards must have been copied from the passport by the finder thereof.

Thereafter, the MFA sought the assistance of the Commission on Immigration (CID), regarding respondent's embarkation/disembarkation records. On August 9, 1985, then CID Commissioner Edmundo Reyes replied that the records of his office failed to show that respondent arrived in or departed from the Philippines sometime in July, 1984. On the other hand, acting on the whereabouts of respondent's alleged lost passport, Foreign Affairs Assistant Minister Vicente G. Reyes found that, on July 13, 1984, respondent's passport had been validated and released for the purpose of travel designated as "official".

On September 30, 1985, the MFA Ad Hoc Investigating Committee found a prima facie case against respondent and recommended to the Presiding Officer, Board of Foreign Service Administration (BFSa), the filing of a formal charge of misconduct, or alternatively, conduct prejudicial to the best interest of the service. Acting on the aforesaid recommendation, Acting Minister of Foreign Affairs Pacifico Castro sent another charge sheet to respondent on February 19, 1986, charging respondent with misconduct, as follows:

1. By proceeding to Jakarta, Indonesia, on July 16 and 19, 1984 without prior authority from the Office of the President as required by regulation; and
2. By misrepresenting that he was reassigned to Jakarta, Indonesia, from the Philippine Consulate-General, Hongkong.

On April 14, 1986, MFA First Deputy Minister Jose D. Ingles wrote respondent, reiterating Minister Castro's aforementioned letter.

In his initial Answer, dated May 2, 1986, respondent denied that he proceeded to Jakarta, Indonesia, on July 16 and 19, 1984, without prior authority from this Office, since he had never left Manila and could not have been in Jakarta on the dates in question, as evidenced by the August 9, 1985 letter of CID Commissioner Reyes stating that, per CID records, there is no showing that respondent arrived in and/or departed from the Philippines sometime in July 1984 and (b) the statement by the Indonesian Consulate in Hongkong confirming the loss of his passport and its subsequent misuse by the finder thereof. Respondent likewise denied that he misrepresented himself to have been reassigned to Indonesia as Consul General, since he was never in Jakarta before, during and after July 1984. As integral part of his Answer, respondent adopted the statement and other evidence earlier submitted by him to former Foreign Affairs Minister Tolentino.

Acting on the Ad Hoc Investigating Committee's report and recommendation, the BFSa created an Investigating Committee (Division III), to formally investigate the complaint against respondent.

On May 13, 1988, the Investigating Committee, on the basis of said report of the Ad Hoc Committee, directed respondent to submit, within five (5) days from receipt thereof, his Answer to the charge of conduct prejudicial to the best interest of the service. Ten days later, or on May 23, 1988, respondent sent a letter to the Chairman of the Investigating Committee requesting for a bill or particulars, i.e. specify the offense which he is accused of, the particular law, regulations, circular, office order, etc., which he allegedly violated and the imposable penalty for such offense. However, in an Order dated October 28, 1988, said request was denied by the Investigating Committee.

Finally, on November 17, 1988, respondent, assisted by counsel, submitted his memorandum. Hearings were then held on January 5 and 13, 1989, and February 2, 1989. On February 3, 1989, the parties submitted the case for resolution.

From the hearings conducted on January 5 and 13, 1989, the following facts were established:

1. That respondent had his passport revalidated on July 13, 1984, for official travel purposes;
2. That his official diplomatic passport was used in Jakarta two (2) days after it was revalidated by a man's carrying suitcases containing metals, who misrepresented that he was being assigned to the Philippine Consulate General in Indonesia; and
3. That the signature of the man who used that said passport is strikingly similar to the handwriting of respondent, as borne out by a comparison of respondent's application for revalidation of passport and the signatures in the embarkation/disembarkation cards (Exhibits "C1" and "C2").

The Investigating Committee noted, among others, that the entries and signatures contained in respondent's application for passport revalidation and in the disembarkation/embarkation cards issued on July 16 and 19, 1984, were filled by and belong to respondent. This conclusion was arrived at after the members of the Investigating Committee and respondent himself made a comparison of the printed and script handwriting appearing in respondent's application for passport revalidation and in the disembarkation/embarkation cards, which showed that they are strikingly similar. Said comparison was resorted in view of the absence of direct evidence on the matter, which procedure is sanctioned under the second sentence of Section 23, Rule 132, of the Rules of Court, to wit:

"SEC. 23. Handwriting, how proved. – x x x. Evidence respecting the handwriting may also be given by a comparison, made by the witness or the court, with writings admitted or treated as genuine by the party against whom the evidence is offered, or proved to be genuine to the satisfaction of the judge."

On the alleged loss of respondent's passport, the Investigating Committee made the following observations:

“On 13 July 1984, his revalidated passport was released to him. Between 14 and 15 July 1984 he had unknowingly lost the same at the Manila International Airport and since then he did not notice that he had already lost it until around 10 September 1984 when his attention was called to it by a telex from Hongkong (ZHK-16-84-S) implying that between July 14 to September 10, 1984 he had no occasion or need or inclination to check where his passport had gone. This gesture is contrary to expected human behaviour. Inasmuch as more caution in the care of one’s passport is expected of a diplomat, this line of defense taken together with the very much delayed notice of loss of said passport to our Consular Office in Hongkong tractable from a September 7, 1984 report of the loss and misuse of respondent’s passport to Consul Montessa by Consul Soektjo from a source Consul Montessa did not verify and which report the Home Office had no means of verifying should be taken by the Board for what this defense is. A scheme and a design showing motive on the part of respondent to foist with the department.”

Moreover, it was established by the Investigating Committee that respondent alone had the opportunity to use said passport, he being still in possession thereof between July and August 1984. Furthermore, the “report of loss” and the “someone-had-found-and misused-it” scenario which respondent tried to impress on the Committee all the more convinced the members thereof that respondent was the same person who used the controversial passport in Jakarta on July 16 and 19, 1984. Said conclusion was buttressed by respondent’s own testimony on January 5, 1989 (t.s.n., p. 2) when he implied that when he met and sent off at the MIA his brother Orlando Maloles between July and August of 1984, he (respondent) was still in possession and control of his passport.

Likewise, the Investigating Committee brushed aside for being flimsy respondent’s defense of alibi. According to the Committee, the letter of the then CIS Commissioner Reyes of August 9, 1985, stating that, per CID records, there is no showing that respondent arrived in and/or departed from the Philippines sometime in July 1984, is by no means conclusive that he was not and was never in Jakarta during the aforementioned dates. What is more, respondent failed to present a single witness to attest to his presence in Manila at that time nor adduce satisfactory proof of his report to the Interpol, thru the AVSECOM, about the loss of his passport or that he had signed the Department of Foreign Affairs’ log book on those dates.

Accordingly, in its Report to the BFSa, dated April 5, 1989, the Investigating Committee found respondent guilty of grave misconduct and recommended that he be dismissed from the service, in view of the concurrence of two charges with an accompanying aggravating circumstance of abuse of diplomatic privileges, which calls for the imposition of the most serious penalty for the graver offense. The Investigating Committee further recommended that the Government of Indonesia be informed of the action of the Department of Foreign Affairs in disciplining an erring official who had abused his diplomatic privileges.

On April 6, 1989, the BFSa concurred in the findings of the Investigating Committee. However, considering respondent’s long years of service in the DFA and the fact that this is first offense on record, the BFSa recommended the reduction of the penalty to forced resignation without prejudice to respondent’s receiving his retirement benefits due him under the law, a recommendation concurred in by the Secretary of Foreign Affairs.

Upon the other hand, in her memorandum for Secretary Manglapus, dated April 20, 1989, Rosalinda V. Tirona, Chairperson of the Investigating Committee, dissented from the BFSa’s above recommendation for the reason that the commutation of the penalty to resignation is contrary to the

principles of justice and the policy of the present administration to purge the ranks of the Foreign Service of scoundrels and the notoriously undesirable. Ambassador Tirona further stated that the BFSA recommendation will not discourage DFA personnel from committing such a grave misconduct as that committed by respondent.

After careful review, I fully agree with the aforementioned findings of the DFA Investigating Committee (Division III), as concurred in by the BFSA. Indeed, the chronology of events commencing from the time the Home Office received a telex from the Philippine Consulate General in Hongkong, wherein Consul General Soekotjo inquired about a certain Julius Maloles entering Jakarta on July 19, 1984, with three (3) suitcases found to contain solid metallic materials, presumably gold, and the confidential dispatches of then Ambassador Yan, to the time of the reported loss of respondent's passport and his subsequent application for its validation, including the entries made in the disembarkation/embarkation cards, lead to no other conclusion than that respondent committed a serious diplomatic blunder, which should not be left unpunished. Respondent's general denial that he had not gone to Jakarta on the 16th and 19th of July 1984, as he was all the time here in the Philippines, is woefully wanting in factual justification in the light of the overwhelming evidence that the entries in the disembarkation/embarkation cards and the respective signatures thereon, were filled up by and undoubtedly belonged to respondent, a fact respondent cannot deny, as he himself and the Investigating Committee had occasion to compare his admittedly genuine signature in his application for revalidation of passport and his signature in the embarkation/disembarkation cards which bore a striking resemblance. Moreover, it appears that, as early as July 13, 1984, respondent's passport had already been revalidated and the possibility that he used the same for official travel purposes to Jakarta may not be discounted, he being in possession thereof during the period from July to August 1984, as admitted by him during the hearing of the case.

However, I am not in full accord with the BFSA's recommended reduced penalty of forced resignation from the service without prejudice to respondent's entitlement to retirement benefits. A lofty position in the foreign service such as that of a DFA Counsellor, it bears stressing, must be treated with high esteem, dignity and honor. No less than a paragon in conduct is expected of him who holds such a position. In foreign soil, he is looked upon as the vintage replica of his motherland and an extension of the traits, customs and traditions of the country he represents. Any misbehaviour or misdemeanor, therefore, committed by him in a foreign land could tarnish the image of the Philippines, not only in the former country but in the whole diplomatic community as well.

I am not unmindful of respondent's long tenure in the foreign service and his committing the offense for the first time. Let it be made known, however, that those factors cannot be taken as a license to commit misconduct as grave as this, nor mitigate the liability therefor. On the contrary, respondent's length of service should have encouraged him to strive harder and set a sterling example to other foreign service officials and employees. Unfortunately for respondent, he failed to uphold the high standard of integrity required of foreign service officers and, therefore, by his own acts he should suffer the condign penalty of dismissal from the service.

WHEREFORE, Mr. Julius G. Maloles, Counsellor of the Department of Foreign Affairs, is hereby found GUILTY of grave misconduct, violation of DFA rules and regulations and conduct prejudicial to the best interest of the service, and accordingly DISMISSED from the foreign service, effective upon receipt of a copy thereof.

Done in the City of Manila, this 10th day of August, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 191
CONSTITUTING A CONTINGENCY PLANNING COMMITTEE FOR THE PRESENT OIL
SUPPLY SITUATION

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There is hereby constituted a Contingency Planning Committee composed of the following:

Chairman	:	Director-General Cayetano Paderanga, Jr. National Economic Development Authority
Members	:	Secretary Jose S. Concepcion, Jr. Department of Trade and Industry Secretary Fidel V. Ramos Department of National Defense Secretary Guillermo N. Carague Department of Budget and Management Secretary Oscar M. Orbos Department of Transportation and Communication Secretary Senen C. Bacani Department of Agriculture Executive Director Wenceslao De la Paz Office of Energy Affairs

which shall be primarily responsible for formulating Contingency Plan and Guidelines for the sectoral responses to the present oil supply situation.

The Contingency Plan shall incorporate specific and complementary measures to meet an assumed contingency and shall define the role and responsibility of the concerned government agencies in the following critical areas:

- a) energy situation
- b) production
- c) basic utilities and services
- d) social concerns
- e) financial resources implications
- f) information of the public
- g) national security

SEC. 2. All departments and government agencies are hereby directed to submit their respective sectoral contingency plans to the Committee for collation and finalization. For this purpose, applicable

and pertinent portions of the 1980 draft contingency plan may be used as starting point in drawing sectoral contingency plans.

SEC. 3. The Committee, departments or agencies shall consult with, and encourage inputs from, the appropriate Committees of Congress in the development of sectoral contingency plans particularly those requiring legislation.

The Committee, departments or agencies shall also encourage the involvement of the concerned sectors of the country to promote a national consciousness on the importance of judicious and efficient usage of energy and the corresponding national discipline and unity in addressing any critical situation.

SEC. 4. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 13th day of August, in the year of our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 192

**AUTHORIZING THE NATIONAL STATISTICS OFFICE (NSO) TO RELEASE THE RESULTS
OF THE 1990 CENSUS OF POPULATION PRELIMINARY COUNT BY REGION AND BY
PROVINCE AND PROVIDING LIMITATIONS FOR THE USE THEREOF**

WHEREAS, Batas Pambansa Blg. 72 mandated the taking of an integrated census of population every ten (10) years beginning in the year 1980;

WHEREAS, a census of population and housing was conducted by the National Statistics Office (NSO) last May 1990;

WHEREAS, the final population count has yet to be officially released and proclaimed;

WHEREAS, due to the great demand from all sectors, including the public, for the population count, there is a necessity for the NSO to release the results of the preliminary count of the population by region and by province prior to the official release and proclamation by the President of the final count before the end of 1990;

WHEREAS, to avoid misuse, confusion or misinterpretation, the limitations for the use of the results of the preliminary count of the population by region and by province must be clearly delineated;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The National Statistics Office (NSO) is hereby authorized to release the results of the preliminary count by region and by province of the census of population conducted in May 1990.

SEC. 2. The preliminary count of the population by region and by province shall be considered official for indicative planning purpose(s) of population-related programs and projects by the different departments, agencies and instrumentalities of the government including government owned and controlled corporations until the release of the final count.

SEC. 3. Nothing in this Administrative Order shall be interpreted or construed to allow the official use of the preliminary count for allocation of resources and/or revenues, creation of political and administrative units, redistricting or apportionment of congressional seats and other similar and/or related undertaking(s) and/or purpose(s).

SEC. 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 17th day of August, in the year of our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 193
CONSTITUTING AN INTER-AGENCY COMMITTEE ON NATURAL GAS DEVELOPMENT

WHEREAS, under the Geophysical Survey Contract No. 47 between the Government of the Republic of the Philippines and the Occidental Philippines, Inc., the contractor shall undertake and execute the seismic and other necessary geophysical operations in the geophysical area defined therein i.e. offshore NW Palawan;

WHEREAS, under Section I (1.4) of the said Geophysical Survey Contract No. 47, Occidental Philippines, Inc., is given the option to convert eighty percent (80%) of the geophysical survey area into a service contract area pursuant to the provisions of Presidential Decree No. 87, as amended, and Section 2, Article XII of the 1987 Constitution;

WHEREAS, Occidental Philippines, Inc., has entered into a Farm Out Agreement with Shell Exploration B.V. relative to its interest in the Geophysical Survey Contract No. 47;

WHEREAS, Occidental Philippines, Inc. and the Shell Exploration B.V., have jointly signified their intention to exercise the option to convert the Geophysical Survey Contract No. 47 into a Service Contract;

WHEREAS, it is imperative to create a body that shall undertake the study of various issues and concerns on the conversion of the said Geophysical Survey Contract into a Service Contract, and on the Farm Out Agreement between Occidental Philippines, Inc., and Shell Exploration B.V.;

NOW, THEREFORE, I CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. There is hereby constituted an Inter-Agency Committee on Natural Gas Development, hereinafter referred to as the Committee, to be composed of duly authorized representatives of the following agencies:

1. Office of Energy Affairs ----- Chairman
2. Department of Finance ----- Vice-Chairman
3. Office of the President ----- Member
4. Department of Trade and Industry ----- Member
5. National Economic and Development Authority ----- Member
6. National Power Corporation ----- Member

Sec. 2. The Committee shall have the following functions and responsibilities:

- (1) To evaluate and review all issues and concerns relative to the Farm Out Agreement between Occidental Philippines, Inc. and Shell Exploration B.V. relative to Geophysical Survey Contract No. 47 covering Offshore NW Palawan, and the conversion of said contract into a service contract.;
- (2) To develop recommendations on the resolution of key issues relative to the development and utilization of natural gas that may be produced from the Camago gas field and vicinity as covered by GSEC No. 47;

- (3) To coordinate and consult with Occidental Philippines, Inc. and Shell Exploration B.V. in the performance of the aforementioned functions;
- (4) To call upon any government agency including government-owned or controlled corporations for such support and assistance as it may need in the discharge of its functions;
- (5) To submit its reports and recommendations to the President; and
- (6) To perform such other functions as may be necessary and incidental to the accomplishment of its tasks.

Sec. 3. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 22nd day of August, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 194

WHEREAS, Section 4 (b), Part B, Title III of Republic Act No. 708, as amended, otherwise known as the “Foreign Service Act of the Philippines” provides that:

“Career Ministers may serve as Minister – Counselor or Consul General or both; Foreign Affairs Officers of Class I as First Secretary or Consul General or both; of Class II, as Second Secretary or Consul or both; of Classes III and IV, as Third Secretary or Vice Consul or both . . .” (Underscoring supplied);

WHEREAS, Section 31 (3), Chapter 9, Title I, Book IV of the Administrative Code of 1987, states that:

“The assignments of the other classes of Foreign Service Officers shall be as follows:

<u>Home Office</u>	<u>Diplomatic Service</u>	<u>Consular Service</u>
Class I – Chief of Division	First Secretary	Consul
Class II – Chief of Division	Second Secretary	Consul
Class III – Chief of Division	Third Secretary	Consul
Class IV – Asst. Chief of Division	Third Secretary	Vice-Consul”

WHEREAS, the Department of Budget and Management, in accordance with Section 6 of Republic Act No. 6758, has prepared the Index of Occupational Services Position Titles and Salary Grades, dated July 1, 1989, which classified Foreign Service Officers under the category of Foreign Relations Service as follows:

“Foreign Service	
x x x	xx
Foreign Service Officer, Class IV	21
Foreign Service Officer, Class III	22
Foreign Service Officer, Class II	23
Foreign Service Officer, Class I	24”

WHEREAS, there is need to clarify and harmonize the aforesaid provisions of laws and issuance for uniformity in application and interpretation;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. For purposes of uniformity in application and interpretation, the following consular ranks for Foreign Service Officers (FSO) who perform consular functions in Philippine diplomatic and consular posts abroad shall be followed:

	<u>Diplomatic Rank</u>	<u>Consular Rank</u>
Counselor	Counselor	Consul General
Foreign Service Officer I	First Secretary	Consul General
Foreign Service Officer II	Second Secretary	Consul
Foreign Service Officer III	Third Secretary	Consul
Foreign Service Officer IV	Third Secretary	Consul

SEC. 2. This Administrative Order shall not be interpreted to authorize any increase or reduction in the salaries and other emoluments of the above-mentioned Foreign Service Officers.

SEC. 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 28th day of August, in the year of our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 195
PRESCRIBING RULES AND PROCEDURES ON INVESTIGATION OF ADMINISTRATIVE
CASES/COMPLAINTS AGAINST ELECTIVE CITY AND MUNICIPAL OFFICIALS IN
METROPOLITAN MANILA.

WHEREAS, Section 9 of Executive Order No. 392, dated January 9, 1990 provides that the President shall continue to exercise administrative disciplinary jurisdiction over the elective city and municipal officials in the Metropolitan Manila;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby promulgate the following rules and procedures to govern the investigation of administrative cases/complaints against elective city and municipal officials in Metropolitan Manila:

Rule I
PRELIMINARY PROVISIONS

Section 1. Coverage. – These rules shall apply to all administrative complaints against elective city and municipal officials, namely mayors, vice-mayors and members of the sangguniang panlungsod and sangguniang bayan, in Metropolitan Manila. Cases against barangay captains and members of the sangguniang barangay shall be filed before the respective sanggunian of the city or municipality where the barangay is located.

Sec. 2. Disciplining Authority. – All administrative complaints against elective city and municipal officials in Metro Manila as herein provided, shall be acted upon by the President. The President, who may act through the Executive Secretary, shall hereinafter be referred to as the Disciplining Authority.

Sec. 3. Investigating Authority. – The Executive Secretary shall designate a Standing Investigating Group (SIG) composed of lawyers from the Presidential Management Staff and other common Staff Support Offices in the Office of the President (Proper). An administrative complaint may be investigated either by the SIG or any member or members thereof at the discretion of the Executive Secretary. The SIG or any member or members thereof assigned for the purpose shall be referred to as the Investigating Authority.

Rule 2
GROUND FOR DISCIPLINARY ACTION

Section 1. Grounds. – An administrative complaint may be filed against any elective city or municipal official in Metropolitan Manila on any of the following grounds committed while in office:

- (1) Disloyalty to the Republic of the Philippines;
- (2) Culpable violation of the Constitution;
- (3) Dishonesty, oppression, misconduct in office and neglect of duty;
- (4) Commission of any offense involving moral turpitude;
- (5) Abuse of authority;
- (6) Unauthorized absence for three consecutive months.

Rule 3 COMPLAINT

Section 1. How initiated. – An administrative case may be initiated by any private individual or any government officer or employee by filing a written and sworn complaint accompanied by affidavits of witnesses and/or other evidences in support of the charge. It may also be initiated motu proprio by the Office of the President.

Sec. 2. Form of complaint. – The complaint shall be addressed to the President of the Philippines and shall be drawn in clear, simple and concise language and in a methodical manner as to apprise the respondent of the nature of the charge against him and to enable him to prepare his defense.

The party filing the complaint shall be called the complainant, while the official against whom the complaint is filed shall be called the respondent.

Sec. 3. Where filed. – The complaint shall be filed with the Office of the President, thru the Executive Secretary, who shall forthwith refer it to the Investigating Authority.

Sec. 4. Evaluation and Preliminary Conference. – Upon receipt of the complaint, the same shall be evaluated by the Investigating Authority which shall determine, and if warranted, recommend to the Disciplining Authority the dismissal thereof motu proprio. If the complaint is not dismissed, as herein provided, the respondent shall be furnished with a copy of the complaint and the affidavits and other evidences submitted by the complainant, and shall be required to file his counter-affidavit and other evidences in support of his defense, within seven (7) days from receipt, copy furnished the complainant.

If, on the basis of the affidavits and other evidence submitted by the parties, the Investigating Authority finds no sufficient cause to warrant further proceedings, it/he may recommend to the Disciplining Authority the dismissal of the complaint. Otherwise, it/he shall summon the parties to a preliminary conference to consider the following matters:

1. Whether the parties desire a formal investigation or are willing to submit the case for resolution on the basis of the evidence on record;
2. Should the parties desire a formal investigation, to consider the simplification of issues, the possibility of obtaining stipulation or admission of facts and of documents to avoid unnecessary proof, the limitation of number of witnesses, and such other matters as may aid the prompt disposition of the case.

After the preliminary conference, the Investigating Authority shall issue an order reciting the matters taken up therein, including the facts stipulated and the evidence/s marked, if any. Such order shall limit the issues for hearing to those not disposed of by agreement or admission of the parties.

Sec. 5. Effect of withdrawal. – The withdrawal of the complaint by the complainant does not preclude the Investigating Authority, upon clearance from the Disciplining Authority, from proceeding with the investigation, if in its/his opinion such investigation is warranted.

Rule 4
PREVENTIVE SUSPENSION

Section 1. Grounds. – At any time after issues are joined, the respondent may be placed under preventive suspension by the Disciplining Authority when there is reasonable ground to believe that the respondent has committed the act or acts complained of; when the evidence of culpability is strong; when the gravity of the offense so warrants; or when the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence.

Sec. 2. Duration of preventive suspension. – In all cases, preventive suspension shall not extend beyond sixty (60) days after the start of said suspension. At the expiration of sixty (60) days, the suspended official shall be reinstated in office without prejudice to the continuation of the proceedings against him until its termination. However, if the delay in the proceedings of the case is due to the fault, negligence or petition of the respondent, the period of delay shall not be counted in computing the time of suspension herein provided.

Sec. 3. Salary of respondent pending suspension. – The respondent official suspended from office pending an investigation of the charges against him shall receive no salary or compensation during such suspension; but, upon subsequent exoneration and reinstatement, he shall be paid full salary or compensation including such emoluments accruing during such suspension.

Rule 5
RIGHTS OF THE RESPONDENT

Section 1. Rights of the respondent. – The respondent shall be accorded full opportunity to appear and defend himself in person or by counsel, to confront and cross-examine the witnesses against him, and to require the attendance of witnesses and the production of documents through the compulsory process of subpoena or subpoena duces tecum.

Rule 6
HEARING

Section 1. Who conducts hearing. – The administrative proceedings shall be conducted by the Investigating Authority.

Sec. 2. Power of the Investigating Authority to take testimony and powers incidental thereto. – The Investigating Authority shall have the power to summon witnesses, administer oaths, take testimonies relevant to the investigation in question, and to require the production of documents under a subpoena duce tecum.

Anyone, who, without lawful excuse, fails to appear upon summons issued under authority of the preceding paragraph or who, appearing before the Investigating Authority exercising the power therein defined, refuses to make oath, give testimony, or produce documents for inspection, when lawfully required, shall be subject to discipline as in case of contempt of court and, upon application by the Investigating Authority, shall be dealt with by the judge of the proper regional trial court in the manner provided by law.

Sec. 3. Notice of the hearing. – The parties and their witnesses shall be notified by subpoena of the scheduled hearing at least five (5) days before the date thereof, specifying the time, date and place of hearing.

Sec. 4. Request for subpoena. – If a party desires the attendance of a witness or the production of documents, he should make a request for the issuance of the necessary subpoena or subpoena duces tecum at least three (3) days before the scheduled hearing.

Sec. 5. Postponement. – Postponement of investigation shall be discouraged and shall be allowed only in meritorious cases, like illness of the parties or counsel and other similar cases. No postponement for a period longer than seven (7) days shall be allowed, and in no case the total number of postponements for one party be more than twenty (20) days.

Sec. 6. Stenographic record of proceedings. – The testimony of each witness and the manifestation of the parties and counsels during an investigation shall be taken in shorthand or stenotype.

A transcript of the proceedings made by the official stenographer or steno-typist and duly certified by him shall be prima facie a correct statement of such proceedings.

Sec. 7. Order of hearing. – Unless for special reasons the Investigating Authority directs otherwise, the order of a hearing shall be as follows:

- (a) The complainant shall produce the evidence on his part;
- (b) The respondent shall then offer evidence in support of his defense;
- (c) The parties may then respectively offer rebutting evidence only, unless the Investigating Authority, for good reasons and in the furtherance of justice, permits them to offer evidence upon their original case;

Sec. 8. Order of Examination. – The order in which a witness may be examined is as follows:

- (a) Direct examination by the proponent;
- (b) Cross examination by the opponent;
- (c) Re-direct examination by the proponent;
- (d) Re-cross examination by the opponent.

Sec. 9. Termination of investigation. – The investigation shall as much as possible be terminated within ninety (90) days reckoned from the date of the first hearing.

Sec. 10. Memorandum. – The Investigating Authority may allow the parties to submit their respective memoranda within fifteen (15) days after the termination of the formal investigation.

Rule 7 EVIDENCE

Section 1. Non-technical procedure. – The investigation shall be conducted solely for the purpose of ascertaining the truth and without necessarily adhering to technical rules applicable in judicial proceedings.

Sec. 2. Material and relevant evidence. – The Investigating Authority shall accept all evidence having materiality and relevancy to the case. In case of doubt, it/he should resolve for the admission of the evidence subject to the objection interposed against the admission.

Sec. 3. Marking. – All documentary evidence or exhibits shall be properly marked by letters (A, B, C. etc.) if presented by the complainant and by numbers (1, 2, 3, etc.) if presented by the respondent. They shall be attached to the records or, if voluminous, kept in a separate folder marked “Folder of Exhibits” which shall also be attached to the records.

Rule 8**REPORT OF INVESTIGATING AUTHORITY
AND TRANSMISSION OF RECORDS**

Section 1. Transmission of Record to Disciplining Authority. – The Investigating Authority shall, within thirty (30) days after receipt of the last pleading and evidence, if any, in case the respondent does not elect a formal investigation; or after the expiration of the period within which to submit the same; or after the termination of the formal investigation; or after the parties have submitted their respective Memoranda if so allowed; forward to the Disciplining Authority the entire records of the case, together with its/his findings and recommendations.

The transcript of the proceedings shall be paged consecutively and in chronological order, sewed on the left-hand side, and properly indexed, showing the page on which the testimony of each witness begins.

Sec. 2. Finality of decision. – The decision of the Disciplining Authority shall become final after the lapse of fifteen (15) days from receipt of a copy thereof by the complainant or the respondent, as the case may be, unless a motion for reconsideration is filed within such period. Only one motion for reconsideration shall be allowed.

Rule 9**PENALTIES**

Section 1. Suspension or Removal. – A respondent found guilty of any of the offenses enumerated in Rule 2 hereof may be meted the penalty of suspension or removal depending on the evidence presented and the aggravating or mitigating circumstances that may be considered by the Disciplining Authority.

The penalty of suspension shall not exceed the unexpired term of the respondent.

Sec. 2. Penalties not bar to Candidacy. – The penalty of suspension or removal shall not be a bar to the candidacy of the respondent so suspended or removed from an elective public office as long as he meets the qualifications so required for the office.

Rule 10**RECORDS**

Section 1. Records confidential. – Records in administrative cases are confidential in nature and any information as to the charges or accusation or facts adduced may not be released, and such records may not be available except to the proper authorities and upon request, to the parties in interest or their authorized representatives.

Rule 11**MISCELLANEOUS PROVISIONS**

Section 1. Effects and application of relevant laws. – In all matters not provided in these rules, the Rules of Court as well as the provisions of the Civil Service laws, circulars and issuances and the Local Government Code (BP 337) shall apply in a suppletory character or by analogy.

Sec. 2. Effectivity. – These rules and procedures shall take effect fifteen (15) days from publication in a national newspaper of general circulation.

Done in the City of Manila, this 10th day of September, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 196
DISMISSING FROM THE SERVICE STATE PROSECUTOR NESTOR B. ORELLANA OF THE
DEPARTMENT OF JUSTICE.

This is an administrative case filed by the Department of Justice (DOJ) against State Prosecutor Nestor B. Orellana, detailed at the Office of the Provincial Prosecutor of Rizal Province, for alleged insubordination, inefficiency and gross neglect of duty.

Records show that, on March 17, 1987, I.S. No. DO-62-001, entitled “Securities and Exchange Commission vs. Ocampo, et. al.”, was assigned to respondent. More than two (2) years thereafter, the DOJ received a letter, dated August 28, 1989, from Jose S. Ocampo, one of the respondents in the abovementioned case, complaining that, after submitting his memorandum on August 20, 1987, he (Ocampo) never heard of any development in his case.

Hence, on August 31, 1989, respondent was directed by Chief State Prosecutor Fernando P. de Leon to explain within seventy-two (72) hours why no administrative/disciplinary action should be taken against him for serious neglect of duty for failure to resolve I.S. No. DO-62-001, and for failure to submit his accomplishment reports for the months of June and July, 1989. Upon respondent’s request, he was granted a 5-day extension to submit his explanation in a letter of the DOJ, dated September 19, 1989, which communication was received by him on September 27, 1989. Despite thereof, respondent failed to submit an explanation.

Again, on September 31, 1989, the DOJ received another letter, dated March 7, 1989, from Mr. Galo B. Garchitorena, Executive Director of the Quedan Guarantee Fund Board (QGFB), also complaining of the delay by respondent in resolving the two (2) criminal complaints for estafa filed with the DOJ Task Force on National Food Authority (NFA) and QGFB cases against Conrado O. Colarina and Emily J. Unson. It appears that preliminary investigations of said cases had been conducted by respondent in 1987 and the same were submitted for resolution sometime in April and May, 1988, respectively, but remained unresolved by him. Moreover, while the criminal complaint against Colarina does not appear in respondent’s “Report of NFA Assigned Cases”, yet he admitted having taken cognizance thereof, thereby prompting Senior State Prosecutor and NFA Task Force Chairman Ronaldo M. Banzuela to issue a memorandum to respondent on February 15, 1989, the full text of which is quoted below:

“MEMORANDUM to –

State Prosecutor Nestor Orellana Office

“SUBJECT: CASE RECORD AND INVESTIGATION OF QUEDAN
BOARD VS. CONRADO COLARINA

“A careful examination of the entire records of above-entitled case as well as the docket and record books of this Office shows that the complaint in said case has not been officially docketed; neither has it been officially filed with the Task

force nor filed with the Record Section of the Department considering that the letter-complaint is addressed to the Secretary of Justice.

“On the basis thereof, submit a memorandum within five (5) days from receipt hereof justifying your action in taking cognizance of said case and conducting the preliminary investigation.”

Again, Orellana failed to comply with the above-quoted DOJ directive, for which reason Senior State Prosecutor Banzuela addressed another memorandum to the respondent, dated October 16, 1989, this time requiring respondent to submit his explanation not only as regards the Colarina case but also as to his failure to terminate on time the preliminary investigation of certain cases. Said memorandum reads in full:

“MEMORANDUM to –
STATE PROSECUTOR NESTOR ORELLANA
“SUBJECT: CASES PENDING PRELIMINARY INVESTIGATION AND
MEMORANDUM DATED FEBRUARY 15, 1989

“It appears from your monthly report of cases that there are six (6) cases which have been pending since 1987; one (1) case since November 1988 and another since March 9, 1989 in violation of Section 3(f), Rule 112 and department circulars which mandate the period within which preliminary investigation should be terminated and disposed of.

“On February 15, 1989, a memorandum was issued for you to explain why you have taken cognizance of a case for preliminary investigation which has not been officially filed and docketed but you failed to submit any comments or explanation on the subject matter treated in said memorandum. Xerox copy is attach for reference.

“Submit to this Office within five (5) days your explanation on the above subject matters as well as your own justification for your continuance as member of the DOJ-NFA Task Force considering further that you are on full time detail with the Office of the Provincial Fiscal of Rizal.”

For the third time, respondent failed to heed a directive issued by his superior.

On October 24, 1989, Chief State Prosecutor Fernando P. de Leon issued a memorandum directing respondent to submit for reassignment, within five (5) days from receipt thereof, the nine (9) assigned cases pending review by him and other eight (8) cases pending preliminary investigation also by him or suffer the consequence of being drastically proceeded against. Upon careful examination of respondent’s inventory of cases, it was disclosed that said seventeen (17) cases were pending review and preliminary investigation by him for more than one (1) year and that he has not been collecting his salary from the time the same was withheld in July 1989. True to form, respondent did not obey said directive.

In his Memorandum for me, dated April 16, 1990, Secretary of Justice Franklin Drilon made the following observations and recommendation:

“The foregoing indubitable facts, to our mind, clearly demonstrate that Prosecutor Orellana does not deserve to remain in office. His repeated failure to comply with lawful orders and circulars of this Office betrays his lack of respect

for higher authority. It is palpable proof of insubordination. His failure to act on cases assigned to him for review and investigation within the prescribed period constitutes inefficiency and gross neglect of duty. It also shows that he is not attuned to the present thrust of this government, in general, and the Prosecution Service, in particular, to improve and hasten the administration of justice. We believe that Prosecutor Orellana's continuance in office would be detrimental to the higher goals of public service. He has not proven himself equal to the tasks and responsibilities of his office."

"In view of the foregoing, we find Fiscal Orellana administratively liable for insubordination, inefficiency and gross neglect of duty and it is respectfully recommended that he be dismissed from the service."

Meanwhile, having come across an item in the April 22, 1990 issue of the Manila Bulletin wherein his name was mentioned as having been recommended for dismissal from the service for being remiss in the performance of his duties as prosecutor, respondent wrote Justice Secretary Drilon explaining, among others that (a) he practically attended single-handedly to the main bulk of NFA cases, which included carry-over cases from his predecessor, since the NFA Task Force Chairman and the other two members thereof had some commitments; (b) due to human limitations, he was constrained to sacrifice in some instances immediate action on other aspects of his work, like the disposition and resolution of other cases assigned to him for review and investigation; and (c) to ensure the success of NFA cases handled by him before the Sandiganbayan, he had to devote a portion of his time in preparing prospective witnesses and gathering documentary evidence. While admitting that there was some delay in the preliminary investigation and resolution of cases assigned to him, respondent, however, made the appeal that the case against him be objectively assessed and that his situation be fully comprehended and deeply appreciated.

After circumspect study, I am in complete accord with the findings and recommendation of the Secretary of Justice. Indeed, by his continued and unjustifiable refusal to comply with the directives issued by his superiors to explain the protracted delay in resolving said I.S. DO-62-001 and the cases for estafa filed against Colarina and Unson as well as his failure to submit for reassignment the aforementioned seventeen (17) cases pending review and preliminary investigation by him, including his accomplishment report for the months of June and July, 1989, respondent had evinced a complete disregard of and disrespect towards higher authority. It is of insubstantial moment that respondent was overburdened with NFA cases, as claimed by him, resulting in his inability to devote his entire time to cases assigned to him as regular prosecutor of the DOJ. The logic and common sense of the situation should have prompted respondent to seek his relief as NFA Task Force member and replacement by another prosecutor to bail him out of his predicament. Indeed, he was even required to justify his continuance as member of the DOJ-NFA Task Force, not to mention the fact that, in view of his failure to act with dispatch on the seventeen (17) cases assigned to him, he was ordered to submit the records thereof for reassignment. By taking the matter into his own hands, despite his full awareness that he could not ably cope with his customary tasks, what with the alleged series of conferences and meetings he had to attend to as NFA Task Force member, thereby resulting in his virtual neglect of his duties and, necessarily, in the inefficient discharge thereof, culminating in the slow dispensation of justice, a situation I so intensely abhor because it spawns discontent among our people, especially among the poor and underprivileged, respondent has only to blame himself if, as here, as a consequence thereof he is ordered dismissed from the service.

WHEREFORE, and as recommended by the Secretary of Justice, State Prosecutor Nestor B. Orellana is hereby **DISMISSED** from the service, effective upon his receipt of a copy thereof.

Done in the City of Manila, this 13th day of September, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) **CORAZON C. AQUINO**

By the President:

(Sgd.) **CATALINO MACARAIG, JR.**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 197

**DIRECTING ALL NATIONAL GOVERNMENT AGENCIES OF THE GOVERNMENT TO LIMIT
EXPENDITURES AND CASH DISBURSEMENTS FOR THE REMAINDER OF CY 1990**

WHEREAS, government cash disbursements have substantially accelerated and exceeded the program contributing to the widening of the cash deficit;

WHEREAS, revenue collections may fall short of targets due to recent revenue reform measures;

WHEREAS, there is a pressing need to keep the cash deficit within programmed levels to support the economic reform program;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. All agencies of the national government shall limit expenditures and cash disbursements for the remainder of the year 1990 to those that are absolutely necessary to sustain operations and implement critical programs and projects. For this purpose:

- a. All allotment releases for capital projects, except for foreign-assisted projects, earthquake-related expenditures, and projects which have already been bidden out or announced for bidding as of October 5, 1990, which have not yet been obligated shall be deferred to 1991; and
- b. The Department of Budget and Management shall withdraw the equivalent of 20 percent of allotments already released for maintenance and other operating expenditures for the fourth quarter, except those sourced from loan and grant proceeds and those pertaining to the maintenance of roads, bridges, flood control facilities, school and hospitals.

All agencies shall identify the specific expenditure items which shall be withdrawn to satisfy items a and b above. Said expenditure items shall be submitted to the Department of Budget and Management not later than October 15, 1990.

SEC. 2. All agencies shall likewise submit to the Department of Budget and Management on or before October 15, 1990, a report on actual savings as of August 31, 1990, out of the following:

- a. salary lapses due to unfilled positions except for those covered by court decisions; and
- b. savings generated as a result of Administrative Order No. 177, S. of 1990.

SEC. 3. The Department of Budget and Management shall report the status of the implementation of this Administrative Order to the Office of the President on October 30, 1990.

SEC. 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 8th day of October, in the year of our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACANANG
MANILA

ADMINISTRATIVE ORDER NO. 198
CREATING A PHILIPPINE NATIONAL COMMITTEE FOR VISIT ASEAN YEAR 1992

WHEREAS, the ASEAN Heads of Governments during the ASEAN Summit in Manila on 8-10 December 1987 have declared 1992 as the VISIT ASEAN YEAR (VAY) in celebration of the 25th founding of the Association of South East Asian Nations;

WHEREAS, the ASEAN Sub-Committee on Tourism (SCOT) of the ASEAN Committee on Trade and Tourism (COTT) has adopted a VAY '92 Marketing Plan to ensure the success of VISIT ASEAN YEAR 1992;

WHEREAS, the VAY '92 Marketing Plan provides for the formulation and implementation of a VAY '92 Calendar of Events to generate greater interest in and stimulate increased travel to and within the ASEAN region;

WHEREAS, the 23rd Meeting of SCOT in Singapore on 16-19 January 1989 directed the creation of the respective VAY '92 National Committees in each of the ASEAN member countries to oversee the respective participation in VAY '92 and to supervise the holding of regional and national events programmed for VAY '92 Calendar of Events;

WHEREAS, to effectively achieve the objectives and strategies set forth in the VAY '92 Marketing Plan, there is a need to enjoin the concerted effort of both the government and private sectors in each of the ASEAN member countries;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. A Philippine National Committee for VISIT ASEAN YEAR 1992, hereinafter referred to as the Committee, is hereby created to undertake the implementation of the Philippines' participation in the VISIT ASEAN YEAR 1992 (VAY '92).

The Committee shall be composed of the following:

Secretary of Tourism	Chairman
The Undersecretary of Tourism for Planning, Product Development and Coordination	Vice-Chairman
An Industry Leader from the Private Sector to be designated by the Secretary of Tourism	Vice-Chairman
The Chairmen of the Working Groups as may be established by the Secretary of Tourism	Members

The Secretary of Tourism shall designate an Assistant Secretary from the Department of Tourism as Executive Director, who shall also be a member of the Committee. The Executive Director shall head the Secretariat and supervise the implementation of the work program of VAY '92.

An Advisory Board shall be formed to be composed of duly designated representatives from the Office of the President, the Department of Foreign Affairs, the Department of Trade and Industry, the Department of Budget and Management and such other national agencies as may be deemed necessary

to provide the Committee with the specialized expertise, resources and capabilities needed in the pursuit of its objectives and the exercise of its functions.

Sec. 2. The Committee shall have the following objectives and functions:

A. OBJECTIVES

1. To maximize the benefits to the Philippines derived from its participation in and contributions to the VAY '92 program;
2. To ensure the effective and competitive positioning of the Philippines vis-a-vis other ASEAN countries within the VAY '92 Marketing Plan;
3. To generate added exposure specifically for the Philippines and Philippine-initiated activities within the VAY '92 campaign;
4. To re-orient the local residents' attitude towards more positive appreciation for and more active support of the Philippine program of tourism cooperation with its ASEAN neighbors; and,
5. To increase public awareness among Filipinos of the tourist attractions, peoples, histories, and socio-cultural traditions of each of the ASEAN member countries and thereby strengthen Philippine commitment to ASEAN solidarity and cooperation.

B. FUNCTIONS

1. To coordinate the implementation of the Philippine commitments and contributions to VAY '92 and the cooperative projects outlined in the VAY '92 Marketing Plan;
2. To formulate and implement a strategic action plan for the Philippines participation in VAY '92 that will strengthen market focus on the Philippines vis-a-vis the other ASEAN countries in the VAY '92 Marketing Plan;
3. To develop a series of programs and activities in the Philippines which shall comprise the Philippine Calendar of Events for 1992, and select which events and activities shall be included in the ASEAN-wide VAY 1992 Calendar of Events;
4. To work in coordination with appropriate agencies in the public and private sectors to assist the various sectors of the local tourism industry in undertaking new, updated or improved Philippine tour programs and packages for VAY '92 and to promote these packages in the designated markets of VAY '92;
5. To represent the Philippines in international and local meetings, events and activities pertinent to VAY '92 and serve as central communications link to and from the ASEAN National Tourism Organizations (NTOs) and the ASEAN Tourism Information Centre (ATIC) on VAY '92 – related matters;
6. To extend technical assistance to the private sector associations represented in the ASEAN Tourism Association (ASEANTA), as may be needed, in conjunction with their participation in VAY '92;
7. To call upon the assistance of any department, agency, office or instrumentality, including government-owned and/or controlled corporation in the exercise of its functions; and,
8. To undertake such other functions that would enhance Philippine participation in VAY '92, as may be directed by the Secretary of Tourism.

Sec. 3. The amount necessary for the VAY '92, including the operations of the Committee, its Secretariat, working groups and advisory board, shall come from the following:

- (a) Contributions from the income of the Duty Free Philippines, as may be allocated pursuant to Section 3 of Executive Order No. 46 dated September 4, 1986;
- (b) Donations, grants and contributions or any form of assistance from any government or private entities;
- (c) Proceeds from sales of promotional and advertising materials, collateral, souvenir items, display paraphernalia and gift items.

The above funds shall be deposited with the National Treasury, and disbursed in accordance with pertinent accounting and auditing rules and regulations.

In the case of items (a) and (b) above, the Department of Budget and Management shall issue the necessary Advice of Allotment and corresponding Notice of Cash Allocation immediately upon receipt of the certificate of remittance of the funds to be issued by the National Treasury. Proceeds under item (c) shall be released through a special budget pursuant to Section 40 of Presidential Decree 1177, as amended.

Sec. 4. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 8th day of October, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 199
DISMISSING 2ND ASSISTANT CITY PROSECUTOR ILUMINADO M. MANUEL OF QUEZON
CITY FROM THE SERVICE.

This is an administrative case against 2nd Assistant City Prosecutor Iuminado M. Manuel of Quezon City for grave misconduct and conduct prejudicial to the best interest of the service.

The records show that Ms. Adelaida A. Viray filed an affidavit-complaint, dated December 20, 1989, against respondent before the City Prosecutor's Office of Quezon City, alleging that she is the respondent in a case filed by a certain Baron L. Buck, in representation of the Gucci Company, for unfair competition which was docketed as I.S. No. 89-7892; that said case was set for investigation by the respondent for the last time on October 18, 1989; that on October 19, 1989, respondent went to her (Ms. Viray) residence at No. 29 Congressional Ave. Ext., Visayas Avenue, Quezon City; that respondent informed her that she would need the amount of ₱15,000 as bail if the case for unfair competition against her is filed in court, but that she could give him instead the amount of ₱10,000 for the resolution of the case in her favor; that she told respondent that she could only give him an initial amount of ₱5,000; that respondent said that if she can bring the additional amount of ₱5,000 to his house, he will wait for her; that the following day she, together with her brother and her son, Edgar V. Garcia, and the "tindera" of her brother, Amor, went to the house of respondent at Fairview; that she informed respondent that she did not bring along the additional ₱5,000; that respondent said it cannot be and so she left the place to borrow money from her brother Romy Viray, who lent her the amount; that she, together with her companions went back to the house of respondent who had already left, but whose wife informed them that whatever they have agreed upon will just be given to her; that she save the amount of ₱5,000 to respondent's wife on that day; that about six weeks after, she together with her brother, Ric Viray, and her son, Edgar, returned to find out if there has been a resolution on the case; and that respondent answered that the resolution has not yet been finished.

Ms. Viray's son and witness, Edgar John V. Garcia, in his affidavit dated December 22, 1989, alleged, among others that on October 19, 1989, respondent went to their house with an offer to help them in the said case for a consideration of ₱10,000.00; that because his mother had then only ₱5,000.00 respondent asked them to bring the additional ₱5,000.00 at his residence; that after his mother gave respondent ₱5,000.00, the latter asked them to bring him home so they would know where he lives and where to deliver the additional amount of ₱5,000.00; that the next day, they went to respondent's residence pleading if they could just pay the additional amount after the case shall have been resolved; that respondent turned down the plea, prompting Ms. Viray to borrow money from his uncle Romy; and that when they returned to respondent's residence, they were met by his wife who informed them of respondent's message to entrust to her what was agreed upon and that his mother gave the additional ₱5,000.00 to respondent's wife.

In a letter of January 3, 1990, the Resident Ombudsman of the Quezon City Prosecutor's Office informed the Secretary of Justice that, on the basis of the investigation conducted on Ms. Viray's complaint, the criminal and administrative prosecution of respondent was warranted.

The formal charge, dated April 2, 1990, against respondent, in part, reads:

“This Department has found, after an evaluation of the verified complaint dated December 20, 1989 of Adelaida A. Viray alleging that you demanded and received the amount of ₱10,000.00 in consideration for the dismissal of a case filed against her, and your Answer dated January 22, 1990, that a prima facie case of Grave Misconduct and Conduct prejudicial to the Best Interest of the Service exist against you.”

In defense, respondent and his witnesses, namely Mrs. Silverita B. Manuel, Milagros Mallannao, Celso Manuel, and Atty. Sisenando Manuel, Jr., testified to disprove the allegations in the complaint.

Respondent affirmed the contents of his Answer, dated January 22, 1990, and adopted the same as his direct testimony. In the main, he denied having demanded and received money from Ms. Viray. In the same Answer, respondent alleged, among others, that October 18, 1989 was the first setting, not the last as averted by Ms. Viray, of the preliminary investigation of the case; that he had never met Ms. Viray until the scheduled hearing of October 25, 1989, and that Ms. Viray had attempted to bribe him in connection with I. S. No. 89-7892.

In his memorandum, dated May 8, 1990, respondent disclaims meeting, much less demanding and receiving money from, Ms. Viray on October 19 and 20, 1989, alleging that he, together with his brothers, drove to Baguio, San Fernando, and La Union in the morning of October 19, 1989, returning at midnight of the same day and that he did not see Ms. Viray the following day (October 20), as he hosted a family reunion attended only by relatives. Further, respondent invited attention to certain inconsistencies in the testimonies and affidavits of Ms. Viray and her witness. In closing, respondent deplores “the existence of official intrigue that motivated the fabrication of evidence against” him.

After due consideration of the testimonial and documentary evidence presented during the formal investigation, the Secretary of Justice submitted to me a Memorandum dated July 5, 1990, finding respondent guilty of grave misconduct and accordingly recommended that respondent be dismissed from the service noting, among others that:

“Respondent puts up the defense of denial and alibi. He and his four (4) witnesses claim that about 7:00 a.m. on October 19, 1989, respondent went up to Baguio City and he arrived home only about midnight. They claim further that the following day, October 20, 1989, there was a family gathering held at the residence of respondent during which time from 11:00 a.m. to 3:00 p.m. no callers or visitors came.

“The issue to be resolved is whether there is substantial evidence to hold respondent administratively liable for grave misconduct and conduct prejudicial to the best interest of service, and this issue hinges on the credibility of the parties.

“Based on the foregoing facts and evidence presented, we cannot give credence to respondent and we find that he is administratively liable for grave misconduct.

“The defense of alibi is weak where it is established mainly by the respondent and his immediate relatives (People vs. Cabanit, 139 SCRA 94 [1985]). Also, respondent, in his alibi, has not established physical impossibility and improper motive of complainant and her witness, both of whom gave unwavering statements (People vs. Urgel, 134 SCRA 483 [1985]).

“A verified xerox copy of the Certificate of Service of respondent for October, 1989 which he filed with the Department of Justice (and now forms part of the records, p. 2) states that respondent certifies upon his honor that he has rendered full time service for the month of October 1989’. It is of judicial notice, aside from the testimony of defense witness Celso Manuel, that October 19, 1989 was a Thursday and the following day, October 20, 1989 was a Friday. Since October 19 and 20, 1989 were working days and based on the certificate of service of respondent himself, respondent could not have been in Baguio City on October 19, 1989 because he had reported for work on that day which was a Thursday and before noontime of that same day, he received the amount of ₱5,000.00 from complainant at her residence for the dismissal of I.S. No. 89-7892 which was filed against her. Likewise, respondent, per his certification has reported for work on Friday.

“It is noted that I.S. No. 89-7892 was submitted for resolution on October 25, 1989 after only two (2) settings and without the counter-affidavit of complainant. Normally, complainant as a respondent in I.S. No. 89-7892 would not have agreed thereto if she had no inkling about the outcome of her case. It is noted further that complainant’s witness alleged that respondent has asked them on October 20, 1989 to come back after two (2) weeks and by then, the case will be resolved. Complainant and her witness went back after three (3) weeks and the case was not yet resolved. It is admitted that I.S. No. 89-7892 was resolved on October 30, 1989, typed only on November 29, 1989 and approved on December 5, 1989. This chain of events lend further credibility to the assertion of complainant that on October 19, 1989, complainant that on October 19, 1989, he received the initial amount of ₱5,000.00 and that the following day, October 20, 1989, complainant gave the additional amount of ₱5,000.00 to the wife of respondent.

“Some inconsistencies appear in the testimonies and affidavits of complainant and her witness, such as the date of the first setting, the name of the complainant’s mother, from whom the additional amount of ₱5,000.00 was really borrowed, and how many weeks have passed after October 20, 1989 when they went back to see respondent. They are only minor details and are of the nature as those which have been held to be badges of truth for only the testimonies of rehearsed witnesses will tally on every point (*People vs. Banayo*, 129 SCRA 725 [1984]. These minor inconsistencies do not affect their credibility (*People vs. Padilla*, 132 SCRA 682 [1984]; *People vs. Seculles*, 132 SCRA 652 [1984]).” (Underscoring added.)

After careful review, I concur in the findings and recommendation of the Secretary of Justice.

The unequivocal testimonies of Ms. Viray and her witnesses permit the reasonable inference that respondent demanded and received the amount of ₱10,000.00 in consideration of the dismissal of I.S. No. 89-7892. There appears to be no enmity between complainant and respondent; no indication whatsoever that the former harbored ill-will against the latter as they were complete strangers to each other before the investigation of I.S. No. 89-7892 commenced. Thus, it is difficult to accept that Ms. Viray would be disposed to charge respondent with so serious an offense, and testify against him unless the accusation stands on a firm basis. In this connection, it is noted from the records that

Ms. Viray executed her verified affidavit-complaint on December 20, 1989, whereas respondent signed and the Quezon City Prosecutor approved on November 29, 1989, and December 7, 1989, respectively, the Resolution dismissing I.S. No. 89-7892. Given the above sequence of events, it would be illogical for Ms. Viray, after securing a favorable ruling from respondent, to impute on the latter an illegal act, unless the imputation is true.

The denial and alibi rendered by respondent, i.e., he motored to Baguio City, La Union and San Fernando in the morning of October 19, 1989 when the alleged pay off took place, and arrived back at his residence towards midnight of the same date, crumbles in the light of his Certificate of Service filed with the Department of Justice wherein he certified “upon [his] honor that [he had] rendered full time service for the month of October, 1989.” As a matter of public notice, October 19, 1989 was a Thursday, a regular working day.

An alibi, so jurisprudence teaches, especially one established by the person proceeded against and by his immediate relatives, as here, is unconvincing (*People v. Cabanit*, supra) and cannot prevail over the positive assertion of one present in the commission of an offense (*People v. Plateros*, 83 SCRA 401).

Respondent draws attention to and the Secretary of Justice has noted certain inconsistencies in the testimonies and affidavits of Ms. Viray and her witness. However, relating as they do to minor details unconnected with the monetary demand and receipt by respondent on the dates as indicated, these inconsistencies cannot affect the credibility of Ms. Viray and her witness. As aptly observed by the Secretary of Justice, citing *People v. Banayo*, supra, only the testimonies of rehearsed witnesses will tally on every point.

WHEREFORE, and as recommended by the Secretary of Justice, Assistant City Prosecutor ILUMINADO M. MANUEL of Quezon City is hereby DISMISSED from the service, effective upon receipt of a copy of this Order.

Done in the City of Manila, this 12th day of **October**, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) **CORAZON C. AQUINO**

By the President:

(Sgd.) **CATALINO MACARAIG, JR.**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). [*Administrative Order Nos.: 151 - 289*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 200

**DIRECTING ALL AGENCIES OF THE GOVERNMENT INCLUDING GOVERNMENT-OWNED
OR CONTROLLED CORPORATIONS AND LOCAL GOVERNMENT UNITS TO REQUIRE
ALL SUPPLIERS TO SHOW PROOF OF PAYMENT OF ALL TAXES AND DUTIES DUE ON THE
EQUIPMENT SUPPLIED OR SOLD TO THE GOVERNMENT**

WHEREAS, the government is determined to minimize, if not eradicate, smuggling and other practices that defraud the government of its revenues;

WHEREAS, in pursuance thereof, it is incumbent upon all branches, subdivisions, instrumentalities and agencies of the government, including government-owned or controlled corporations and local government units, to ensure that the correct amount of taxes and duties due on equipment procured by the government are duly paid;

WHEREAS, the President may direct that such prior payment of all taxes and duties due on equipment procured by the government be required pursuant to the President's constitutional powers of control over all executive departments, bureaus, and offices, general supervision over local governments, and to ensure that the customs and internal revenue laws are faithfully executed and enforced;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order:

Section 1. All branches, subdivisions, instrumentalities and agencies of the government, including government-owned or controlled corporations and local government units, are hereby directed to require the presentation of tax receipt(s) from the supplier/importer of equipment supplied/sold to the Government before the payment thereof is effected by the concerned government agency. The tax receipt from the Bureau of Customs or the Bureau of Internal Revenue which constitutes proof of payment of the taxes, duties and other charges paid therefor, shall, as far as practicable, indicate the exact specification and/or serial numbers of the equipment procured by the government.

Sec. 2. Prequalification requirements, in any form of purchase or procurement of equipment for the government, must include the demand from all suppliers to submit or present to the Resident Auditor (COA) of the concerned government agency, the tax receipt(s) corresponding to the procured equipment, for authentication or verification and in order to ascertain the proof of proper payment of all the taxes and duties and other charges. Payments for the said equipment, allowed or made without the required tax and duty receipt(s), shall render all officials and employees responsible therefor administratively liable and punishable in accordance with the existing Civil Service laws, rules and regulations, without prejudice to the filing of criminal charges when so warranted.

Sec. 3. The Department of Finance, in consultation with the Department of Budget and Management, the Bureau of Customs and the Bureau of Internal Revenue, shall issue and promulgate the necessary rules and regulations to implement the provisions of this Administrative Order.

Sec. 4. All orders, circulars and memoranda which are inconsistent with this Administrative Order are deemed revoked or modified accordingly.

Sec. 5. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 21st day of November, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) CATALINO MACARAIG, JR.
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 201
CONSTITUTING AN INTER-AGENCY COMMITTEE ON ECONOMIC CRIMES

WHEREAS, smuggling, tax evasion and other forms of economic crimes affecting trade and industry and violation of Central Bank rules and regulations have remained a serious problem despite efforts separately pursued by concerned government agencies;

WHEREAS, such activities have caused substantial losses to the government in terms of uncollected revenue, depleted foreign exchange reserves and the adversely affected economic growth of the country;

WHEREAS, there is a need to consolidate and strengthen government efforts to curb and prevent the said illegal activities and thereby avert irreparable damage to affected sectors of the economy and the public in general;

WHEREAS, it is necessary that collective action must therefore be undertaken by government agencies concerned with full force of the law against offenders or those known to have violated or are violating existing laws;

WHEREAS, such collective action and coordination can be realized by the constitution of an Inter-Agency Committee on Economic Crimes and its support arms to formulate and implement effective mechanisms to combat these illegal activities in accordance with the mandate of the concerned government agencies;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order.

SECTION 1. The Inter-Agency Committee on Economic Crimes (Inter-Agency Committee) is hereby constituted as an ad hoc administrative mechanism that shall coordinate all the activities of government against smuggling, tax evasion, and other forms of economic crimes. It shall be composed of the Secretary of Finance, as Chairman; the Secretary of Trade and Industry, as co-Chairman; and the Secretary of Justice and the Governor of the Central Bank as members.

An Oversight Committee composed of representatives from the Departments of Finance, Trade and Industry, Justice, and the Central Bank shall be formed to assist the Inter-Agency Committee in the formulation of strategies and review of procedures for the improvement of revenue and duty collections, and in monitoring the importations classified as sensitive items as determined by the Inter-Agency Committee and the actions taken thereon.

SEC. 2. The Inter-Agency Committee shall organize a (a) Task Force for Anti-Smuggling composed of representatives from the Bureau of Customs and Economic Intelligence and Investigating Bureau, both of the Department of Finance, the Department of Trade and Industry, and the Department of Justice, and a (b) Task Force for Anti-Tax Evasion composed of the designated members of the Bureau of Internal Revenue tax investigating group and the representatives from the Department of Justice, both of which shall serve as the implementing arms of the Committee with the following specific functions:

- a. Identify activities likely to be attended with fraud to evade our tax laws, rules and regulations and take such measure to insure that fraud, if existing, is exposed and appropriate action is taken thereon;
- b. Undertake Post Customs Release Surveillance on Suspect Shipments to recover uncollected customs duties, VAT and other penalties and charges that may be due thereon; and,
- c. Where evidence of fraud exists, to endorse the case, with the approval of the Committee, to the Department of Justice and to recommend legal and administrative actions to be taken against the persons who appear to be liable therefor,

all consistent with the respective mandates of the component member agencies of the Task Forces.

The Task Force shall submit a periodic report of their respective operations to the Inter-Agency Committee.

SEC. 3. The Inter-Agency Committee is hereby authorized to call upon any department, bureau, office, agency or any instrumentality of the government including government owned or controlled corporations and the private sector for assistance in the effective and efficient implementation of this Administrative Order.

SEC. 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 26th day of November, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). [*Administrative Order Nos.: 151 - 289*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 202**IMPOSING THE PENALTY OF REPRIMAND ON EMMA E. HIZON, CHIEF, MANAGEMENT INFORMATION SERVICE, DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS.**

This refers to the administrative complaint filed by the Department of Transportation and Communications (DOTC) against Ms. Emma E. Hizon, Chief, Management Information System (MIS), that Department, for alleged gross violation of reasonable office rules and regulations, gross misconduct, dishonesty and usurpation of official functions.

Records show that the DOTC, thru then Secretary Rainerio O. Reyes, entered into a contract with MECO Enterprises, Inc., (MECO, for brevity) for the comprehensive preventive and remedial maintenance of certain DOTC computer units and printers. After the expiration of the contract in May, 1987, the same was renewed by Secretary Reyes upon recommendation of Ms. Cynthia Ordan, then Officer-In-Charge (OIC) of the Computer System Division, DOTC, and herein respondent at a total cost of ₱127,500.00 covering the period from June 1, 1987 to May 31, 1988. It appears that said recommendation was made by Ordan, despite the fact that another contractor, the Computer Engineering Corporation, had been declared as the lower bidder in the bidding conducted in June 1987.

Sometime in August 1987, Ordan was re-placed as Officer-In-Charge of the Computer Systems Division (CSD) by Millard Villaverde who undertook a study of the MECO-DOTC Computer Service Contract and found the contractual cost of ₱127,500.00 exorbitant.

Hence, Villaverde sought respondent's approval to renegotiate the said contract with a view to lowering the contract cost, which approval respondent readily gave. Thus, through Villaverde's initiative, MECO lowered the maintenance cost from ₱127,500.00 to ₱68,000.00 by excluding some of the hardware items from the original contract coverage and placing them on "on call basis".

In the ensuing renegotiation, MECO, on the assumption that the approval of DOTC higher authorities had been obtained, accepted Villaverde's proposal that the original maintenance cost of ₱127,500.00 be reduced to ₱68,000.00 and the difference to be rebated to the Department in the form of computer equipment and implements. A revised DOTC-MECO Maintenance Service Contract embodying the agreement was, therefore, prepared, signed by Villaverde and Matthew Tan, MECO President and General Manager, and thereafter presented to respondent who acquiesced to the terms incorporated therein and unilaterally approved said contract.

Pursuant to the revised contract, MECO, in the guise of a donation, delivered on October 8, 1987, and August 19, 1988, to the Computer System Division, DOTC, computer equipment and accessories. As there remained a balance of the supposed rebates, Villaverde requested that computer books and other materials be bought by MECO to complete the rebate. However, MECO rejected the request for being impractical and instead offered to give Villaverde ₱10,000 for him to purchase the needed materials. Villaverde accepted said amount and deposited it with the PNB Ortigas Branch, Pasig, Metro Manila, in his personal account, with respondent's knowledge and approval. This was done, as Villaverde was unable to deposit said amount in CSD's name which has no legal personality.

Thereafter, part of the cash rebate was used to purchase computer manuals, books, snacks, etc., for the use of the CSD staff, likewise with the respondent's approval. Said disbursement was supported by corresponding receipts and were duly recorded by the Division Secretary.

Acting upon an unsigned letter-complaint received in February 1988 denouncing respondent and Villaverde's actuations, Secretary Reyes directed the Investigation, Security and Law Enforcement Staff (ISLES), DOTC, to conduct an investigation thereof.

In its Investigation Report of March 6, 1989, the ISLES found respondent Hizon and Villaverde liable for usurpation of functions by performing acts beyond the scope of their authority, improper receipt and use of government funds, and attempting to cover up said irregularities. Hence, it recommended that appropriate administrative charges be filed against the two.

Conformably thereto, Secretary Reyes, on March 10, 1989, filed a complaint against respondent and Villaverde for violation of reasonable office rules and regulations, gross misconduct, dishonesty, and usurpation of official functions. On the same day, Secretary Reyes forwarded to my office the complaint against respondent Hizon for appropriate action, she being a presidential appointee.

On April 25, 1989, I placed respondent under preventive suspension for a period of ninety (90) days pending investigation of the charges against her, as requested by Secretary Reyes. Said suspension order (memorandum) was, however recalled by me on September 8, 1989, thru then Deputy Executive Secretary Magdangal B. Elma (now Presidential Assistant for legal and Judicial Affairs), upon the expiration of respondent's 90-day preventive suspension.

Likewise, on March 10, 1989, respondent and Villaverde were jointly charged by Secretary Reyes before the Office of the Ombudsman on the basis of the same facts and circumstances. In its resolution of April 3, 1989, however, the Ombudsman dismissed said complaint upon finding that the facts charged therein do not constitute a criminal offense. In its subsequent order of May 10, 1989, the Ombudsman denied Secretary Reyes' motion for reconsideration of its aforementioned resolution.

On April 18, 1989, an amended complaint was filed against respondent and Villaverde containing basically the same allegations as the original complaint, this time signed by DOTC Undersecretary Romeo I. De Vera.

In her Answer, dated April 29, 1989, respondent denied the accusations against her and alleged, among others, that (a) the DOTC and/or the government benefited from the renegotiated transaction; (b) the transgression of procedural rules on the acceptance of equipment and cash rebate and booking of properties and funds donated to the government is excusable, considering respondent's honest and noble intention to give benefit or advantage thereto; and (c) said procedural infraction was not willfully done. By way of affirmative defense, respondent pleaded the lack of jurisdiction of DOTC to hear the charges against her, she being a presidential appointee,

On March 21, 1989, I issued a memorandum to DOTC Secretary Reyes authorizing him to investigate, personally or through a committee created by him, all administrative/charges/complaints against presidential appointees in the DOTC, subject to certain conditions, thereby overruling in effect the jurisdictional objection raised by respondent.

Pursuant to said Memorandum, the case of respondent was referred to the DOTC Administrative Action Board (Ad-Hoc) for formal investigation. On June 13, 1989, after the complainant had rested its case, respondent filed a verified petition for injunction before the Regional Trial Court of Pasig (Branch 163) docketed as Civil Case No. 58260, praying that the AAB (Ad Hoc) be enjoined from further proceeding with the hearing of the administrative case against her for lack of jurisdiction.

On October 3, 1989, Presiding Judge Ramon C. Tuason issued an order enjoining the DOTC Administrative Action Board from proceeding with the hearing/trial of the case against respondent, until further orders from the court.

Upon assumption in office of DOTC Secretary Oscar M. Orbos, respondent wrote him a letter on February 23, 1990, requesting speedy disposition of her case, alleging therein that she is now convinced that she could be afforded a fair and just hearing. In a related move, respondent filed a “MANIFESTATION AND MOTION” with the DOTC on April 24, 1990, whereby she waived her right to formal hearing and prayed that the case be submitted for resolution on the basis of the pleadings submitted. Likewise, upon respondent’s motion, the RTC, Branch 163, Pasig, Metro Manila, issued an Order in Civil Case No. 58260 on April 30, 1990, lifting and setting aside the writ of preliminary injunction issued by it on October 3, 1989.

After due hearing, the DOTC found respondent liable for allowing Villaverde to renegotiate the DOTC-MECO Computer Service Contract for June 1, 1987 to May 31, 1988, and consenting to and tolerating the acceptance and disbursement of the ₱10,000 cash rebate from MECO without complying with existing rules and regulations on the matter. However, the DOTC opined that said acts constituted only a violation of government accounting and auditing rules and regulations, rather than the offense of dishonesty, misconduct and usurpation of official functions.

To buttress its findings, the DOTC in its 1st indorsement to my Office of June 7, 1990, stated:

“‘Dishonesty’ has been defined as an absence of integrity or disposition to betray, cheat, deceive or defraud, bad faith’ (Arca v. Lepanto Consolidated Mining Co., CA G.R. 17679-R (1958); while the offense of ‘misconduct implies a wrongful intention and not a mere error of judgment’ [In Re: Impeachment of Horrilleno, 43 Phil. 214 (1922)]. In this case none appears on record to show any trace of deceit or bad faith or bad intention on the part of respondent Hizon. On the contrary, the records are replete with pieces of evidence which not only show absence of culpable intention but of honesty and good faith. It is noted that from the inception to the consummation of the irregularities all the actuations have been motivated by good intention. The evaluation made by Mr. Villaverde led to the discovery that the original DOTC-MECO service contract was deleterious to the Department. The act therefore of Villaverde and Hizon of renegotiating the contract was induced by their desire to correct the pernicious terms embodied therein. The acceptance of the computers and its implements as well as the cash rebate was inspired by the intention to augment the few computers that the CSD had at that time. The use of the cash rebate to purchase the necessary computer book, magazines and other implement as well as refreshments for the CSD Staff during overtime is likewise undeniably done for the good of CSD. It cannot be denied that what is good for the CSD, in the ultimate analysis, is really for the good of the Department and public service as a whole. None can be found in the records to show that respondent Hizon acted for her own convenience or profit.

“The charge of usurpation of official functions, pertains to the criminal and not the administrative aspect of Villaverde and Hizon’s actions; hence, outside of the ambit of the jurisdiction of this Department”.

While respondent’s effort to enhance the efficiency and effectiveness of the DOTC Computer Systems Division in renegotiating an otherwise exorbitant and disadvantageous contract is commendable, I cannot, sad to say, countenance her act of wilfully disregarding reasonable office rules and regulations, her noble intentions notwithstanding. While it is true that the renegotiation of the DOTC-MECO contract resulted in the reduction of the contract cost from ₱127,500.00 to

₱68,000.00 and donation by MECO to the DOTC of the difference of ₱59,500.00 in the form of office equipment and supplies, to the benefits of the government, and more importantly, were it not for the timely intervention of respondent and her subordinate, Millard Villaverde, the DOTC would have been shortchanged by the transaction earlier entered into by then DOTC Secretary Reyes, these circumstances cannot relieve respondent of her liability consequent to her violation of reasonable office rules and regulations.

As aptly observed by the DOTC Secretary:

“x x x It is clear, however, that this act of respondent Hizon was a remedial measure to cure whatever procedural defects which surrounded the questioned transaction. Ms. Hizon having been long in the government service, and considering her position as Department Service Chief could have known better the standing rules and regulations governing the matter. Her approval of or consent to depositing the cash rebate in the name of her subordinate, Mr. Villaverde, as well as, the spending of a part of said rebate even for official purpose of the staff as claimed, in disregard of prescribed rules concerning the safekeeping and proper use of public funds or trust funds exposed them to the inconvenience of explaining their actuations. Ms. Hizon who is occupying a sensitive and responsible position wilfully violated the aforementioned rules and regulations.”

However, considering that this is respondent's first offense on record and that her questioned actuations were motivated by good faith, I am inclined to agree with the DOTC Secretary that respondent should be merely reprimanded and advised to be extra cautious in the performance of her duties and responsibilities and sternly warned that commission of another or similar offense will be dealt with more severely.

WHEREFORE, and as recommended by the Secretary of Transportation and Communications, respondent Emma E. Hizon, Chief, DOTC Management Information Service, is hereby REPRIMANDED for violation of office rules and regulations and admonished to be more cautious in the discharge of her functions and responsibilities, with a stern warning that repetition of another similar act will be dealt with more severely.

Done in the City of Manila, Philippines, this 12th day of December, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) MARIANO SARMIENTO II
Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 203
RECONSTITUTING THE MEMBERSHIP OF THE RIZAL DAY NATIONAL COMMITTEE IN
CONNECTION WITH THE OBSERVANCE OF THE 94th DEATH ANNIVERSARY OF
DR. JOSE P. RIZAL ON DECEMBER 30, 1990

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby reconstitute the membership of the Rizal Day National Committee in connection with the observance of the 94th Death Anniversary of Dr. Jose P. Rizal on December 30, 1990, as follows:

Hon. ISIDRO D. CARIÑO	–	Chairman
Secretary of Education, Culture & Sports		
Hon. GUILLERMO N. CARAGUE	–	Member
Secretary of Budget and Management		
Hon. TOMAS D. GOMEZ III	–	Member
Press Secretary		
Hon. JOSE MABANTA	–	Member
Undersecretary of Public Works & Highways		
Hon. ROLLEO IGNACIO	–	Member
Undersecretary of Local Government		
Hon. NARZALINA Z. LIM		
Undersecretary of Tourism & Acting Chairman, National Parks	–	Member
Development Committee		
Hon. LETICIA ANGARA MOISES	–	Member
Undersecretary of Social Welfare and Development		
Hon. SERGIO A. BARRERA	–	Member
Chief of Presidential Protocol		
Hon. JEJOMAR C. BINAY	–	Member
Chairman, Metropolitan Manila Authority		
Hon. GEMILIANO C. LOPEZ, JR.	–	Member
Mayor of Manila		
Atty. ELIAS B. LOPEZ	–	Member
Supreme Commander of the Knights of Rizal		
Mrs. ESTHER A. VIBAL	–	Member
President of the Civic Assembly of Women of the Philippines		
Mr. SERAFIN QUIASON, JR.	–	Member
Chairman, National Historical Institute		
Mr. TEODORO LOCSIN, SR.	–	Member

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 19th day of December, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) OSCAR M. ORBOS
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 204

DIRECTING THE DEPARTMENT SECRETARIES AND HEADS OF AGENCIES OF THE NATIONAL GOVERNMENT INCLUDING GOVERNMENT OWNED OR CONTROLLED CORPORATIONS TO ADOPT A PERFORMANCE CONTRACT SYSTEM AS A BASIS FOR THE EVALUATION/APPRaisal OF THE PERFORMANCE OF THEIR OFFICIALS IN THE THIRD LEVEL

WHEREAS, public officials are at all times accountable to the people and are required to serve them with utmost responsibility, integrity, loyalty and efficiency;

WHEREAS, corollary to the principle that appointment of officials in the Civil Service shall be determined according to merit and fitness is the concomitant obligation and responsibility to maintain an acceptable level of performance, to keep fit, to maintain merit and to exercise responsiveness and efficiency in office;

WHEREAS, the adoption of measures for the promotion of morale, efficiency, integrity, responsiveness and courtesy in the Civil Service is a continuing policy of the government to account for their accomplishments or performance while in office;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the power vested in me by law, do hereby order:

SECTION 1. Performance Contract. All department secretaries and heads of agencies of the National Government including Government-Owned or Controlled Corporations shall require all third level officials in their respective Departments and Agencies to prepare and enter into a semi-annual/annual performance contract with them. The performance contract shall be based on the mandates, objectives, programs, projects and activities of the respective offices of these officials for the Calendar Year.

SEC. 2. Purpose of Performance Contract. The performance contract shall serve as a basis for the periodic evaluation of the performance of third level officials to be conducted by the Heads of Departments and Agencies.

SEC. 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 19th day of December, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) OSCAR ORBOS
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1990). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 205
DIRECTING THE CONTINUED ADOPTION OF ECONOMY MEASURES FOR
FISCAL YEAR 1991

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. All government offices and agencies, including local government units and government owned or controlled corporations, are hereby directed to adopt and implement the following economy measures for FY 1991:

- a. Discontinuance of the grant and payment of all honoraria and similar allowances, excluding representation and transportation allowances as authorized in the General Appropriations Act.
- b. Deferment of hiring of consultants, except in foreign-assisted projects where the hiring of consultants and other related personnel to these projects is explicitly provided under the terms and conditions of the loan agreement.
- c. Suspension of all foreign travel, except those fully funded from grants or those expressly authorized by the Office of the President.
- d. Suspension of the conduct of all seminars, conventions, annual and anniversary celebrations, sports activities and festivals and other similar activities funded from agency budgets, except athletic meets and activities conducted by public schools and state universities and colleges;
- e. Reduction of staff initially by five percent (5%) by the end of June 1991 and by ten percent (10%) by the end of December 1991 through voluntary retirement and redeployment. For this purpose, the Department of Budget and Management is hereby directed to develop and enforce a staff reduction program, and to issue the corresponding rules; procedures and guidelines governing said program.

On the basis of such rules, procedures and guidelines, all government agencies including government owned or controlled corporations and local government units shall submit their respective staff reduction program to the Department of Budget and Management, not later than 30 days after the issuance of the DBM rules, procedures and guidelines.

SEC. 2. The sale of government vehicles to present users with the rank of Secretary, Undersecretary, Assistant Secretary, Director IV, V and VI, and their equivalent positions, is hereby authorized. As a primary condition to the sale of these vehicles, the vendees concerned shall continue to use these vehicles for official government business and assume the cost of gasoline, repair and maintenance services arising therefrom subject to the rules and regulations to be promulgated pursuant to this provision.

The officials who, in writing, shall opt to purchase the vehicles presently assigned to them may acquire the same through financing from the Government Service Insurance System (GSIS) and other government financial institutions. The GSIS and other government financial institutions are hereby

directed to make available a car financing plan for this purpose. The rules and regulations to implement this Section shall be jointly formulated by the Department of Finance, Department of Budget and Management and representatives from the government financial institutions, and in consultation with the Commission on Audit. The rules and regulations shall be issued within sixty (60) days from the effectivity of this Administrative Order.

SEC. 3. The Department of Budget and Management shall submit a report every quarter on the status of the implementation of this Administrative Order to the Office of the President.

SEC. 4. Unless specified otherwise, all other economy measures directed by Administrative Order No. 177 and Administrative Order No. 197, both Series of 1990, are hereby reiterated.

SEC. 5. All other rules, regulations and directives or provisions of Presidential issuances which are inconsistent with the provisions of this Administrative Order are hereby amended and modified accordingly.

SEC. 6. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 3rd day of January, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) OSCAR M. ORBOS

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 206
CONSTITUTING AN AD HOC COMMITTEE TO FORMULATE THE PHILIPPINE POSITION
TO THE EIGHT SESSION OF THE UNITED NATIONS CONFERENCE ON TRADE AND
DEVELOPMENT (UNCTAD VIII) IN PUNTA DEL ESTE, URUGUAY

WHEREAS, the United Nations General Assembly, during its 45th Regular Session in 1990, under Resolution No. 45/L. 76, decided to convene the Eight Session of the United Nations Conference on Trade and Development (UNCTAD VIII) in Punta del Este, Uruguay from September 21, 1991 to October 8, 1991;

WHEREAS, the UNCTAD Trade and Development Board in its Thirty-Seventh Session adopted on October 17, 1990 Resolution No. TD/B/L. 911, providing for the general theme of the UNCTAD VIII as “Strengthening National and International Action and Multilateral Co-operation for a Health, Secure and Equitable World Economy”;

WHEREAS, with the Philippines being a participant and a member of the Preparatory Committee for UNCTAD VIII of the Group of 77, there is a need for a body that shall draw up a systematic and comprehensive Philippine position for the UNCTAD VIII;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There is hereby constituted an Ad Hoc Committee that shall formulate the Philippine position to the Eight Session United Nations Conference on Trade and Development (UNCTAD VIII), hereafter referred to as the Committee, which shall be composed of the following:

The Secretary of Foreign Affairs	Chairman
The Undersecretary of Finance	Member
The Undersecretary of Agriculture	Member
The Undersecretary of Trade and Industry	Member
The Undersecretary of Science and Technology	Member
The Deputy-Director General, National Economic and Development Authority	Member

The Heads of the member agencies shall designate their representative to the Committee. The Chairman and the members shall designate their respective alternates in the event that they can not attend the meetings of the Committee.

The Committee may create working groups that shall undertake studies on matter relating to resources for development, international trade, technology, services, and commodities.

SEC. 2. The Committee is hereby authorized to call upon any government agency including government-owned and/or controlled corporations for assistance in the performance of its functions. It may likewise solicit the assistance and cooperation of private individuals or organizations involved in the various fields of studies to be covered by the UNCTAD VIII.

SEC. 3. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 24th day of January, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) OSCAR M. ORBOS

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 207

**RECONSTITUTING THE SPECIAL OPERATIONS TEAM FOR THE PREPARATIONS AND
INITIAL IMPLEMENTATION OF THE RECOMMENDATIONS OF THE LEGISLATIVE-
EXECUTIVE BASES COUNCIL ADDRESSED TO AND APPROVED BY THE PRESIDENT
OF THE PHILIPPINES**

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. The Special Operations Team constituted pursuant to Administrative Order No. 187, S. of 1990, is hereby reconstituted as follows:

Chairman	Hon. Delfin L. Lazaro
Members	Hon. Aniceto M. Sobrepena
	Hon. Benjamin E. Diokno
	Hon. Herminio B. Coloma, Jr.
	Hon. Ernesto de Castro
	Hon. Roberto Rafael V. Lucila

SEC. 2. Administrative Order No. 187, S. of 1990, is hereby modified accordingly.

SEC. 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 31st day of January, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) OSCAR M. ORBOS

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 208
CONSTITUTING A NATIONAL ORGANIZING COMMITTEE FOR VALUES EDUCATION
THROUGH CULTURE, ARTS AND MEDIA AND FOR OTHER PURPOSES

WHEREAS, the 1987 Constitution, Article XIV, Section 14, provides, that: “[T]he State shall foster the preservation, enrichment, and dynamic evolution of a Filipino national culture based on a principle of unity in diversity in a climate of free artistic and intellectual expression”;

WHEREAS, the importance of established Filipino values can be emphasized by education through culture, arts and media;

WHEREAS, there is a need to create a body which shall initiate and undertake the primary task of harnessing the culture, arts and media as effective instruments of values education;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There is hereby constituted a National Organizing Committee For Values Education Through Culture, Arts and Media, hereinafter referred to as the Committee, to be composed of the representatives from the following:

Department of Foreign Affairs (DFA)/UNESCO
Department of Education, Culture and Sports (DECS)
Department of Interior and Local Government (DILG)
Department of Tourism/Philippine Tourism Authority (PTA)
Department of Social Welfare and Development (DSWD)
Office of Northern Cultural Communities (ONCC)
Office of Southern Cultural (OSCC)
Office of Muslim Affairs (OMA)
Philippine Information Agency (PIA)
Movie and Television Review and Classification Board (MTRCB)
Office of the Press Secretary (OPS)
Catholic Education of the Philippines (CEAP)
DIALECT-PCCEDIU/FACE AND ITI Secretariat of the Committee for Cultural Identity and
Development National Office of Mass Media
PEN: Poets, Essayists and Novelties
Philippine Board of Advertising (PBA)
Philippine Business for Social Progress (PBSP)
Philippine Communications Society
Philippine Press Institute (PPI)

The Committee members shall elect among themselves the Chairman and Vice-chairman and such other officers as they may deem necessary.

The Committee may create a Secretariat that shall undertake the implementation of its programs and projects.

SEC. 2. The Committee shall have the following powers and functions:

1. To undertake an overall study, formulation and implementation of programs and projects on the utilization of culture, arts and media as vehicles for values education;
2. To act as host of the Conference-Festival on Development, Rehabilitation and Education through Arts and Media and other similar activities; and,
3. To call upon the assistance of any government agency or instrumentality, corporation and invite private individuals or organizations to assist it in the performance of its tasks.

SEC 3. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 1st day of February, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) OSCAR M. ORBOS

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 209
CREATING A NATIONAL CITIZENS COMMITTEE FOR THE COMMEMORATION OF THE
FIFTH ANNIVERSARY OF THE FEBRUARY 22-25, 1986 REVOLUTION

WHEREAS, the February 22-25, 1986 Revolution restored democratic institutions and ushered in meaningful political, social, and economic reforms:

WHEREAS, the triumph of this Revolution was anchored upon People Power, the spontaneous demonstration of the citizens' solidarity in seeking to transform Philippine society and chart a new course for their nation by linking arms and courageously asserting their democratic rights;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby create a National Citizens Committee for the commemoration of the February 22-25, 1986 Revolution.

The Committee shall be headed by Mrs. Patricia Cepeda Sison and shall be composed of representatives of the private sector and non-government organizations (NGOs).

The Committee shall coordinate with the Office of the Executive Secretary through the Head, Presidential Management Staff (PMS) for the purpose of mobilizing the resources of Government in connection with this commemoration.

The Committee shall have the following functions:

1. Formulate and implement a comprehensive plan for the commemoration of the Fifth Anniversary of the February 22-25, 1986 Revolution; and
2. Direct, supervise and coordinate the participation of all sectors who would like to celebrate the Fifth Anniversary of the February 22-25, 1986 Revolution.

The Secretary of Budget and Management is hereby authorized to allocate the amount necessary to support this activity.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 1st day of February, in the year of our Lord nineteen hundred and ninety one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) OSCAR M. ORBOS

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 210
CREATING AN AD-HOC COMMITTEE TO INVESTIGATE THE ADMINISTRATIVE
CHARGES AGAINST DR. LYDIA M. PROFETA

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. There is hereby constituted an AD-HOC Committee to investigate the administrative charges filed by Aparacion C. Valdez, et al., against Dr. Lydia M. Profeta, President, Eulogio “Amang” Rodriguez Institute of Science and Technology (EARIST), for alleged irregular appointment and graft and corrupt practices.

The Committee shall be composed of:

Chairman	:	Atty. Martin A. Ocampo Office of the President
Members	:	Atty. Salvador B. Rana Office of the President Atty. Bobby V. Dumlao Office of the President

SEC. 2. The Committee is hereby granted the powers of an investigating body under Section 37, Chapter 9, Book I of the Administrative Code of 1987 including the power to summon witnesses, administer oaths, take testimony or evidence relevant to the investigation, and to issue compulsory processes to produce documents, books, records, and such other matters, in the performance of its functions.

SEC. 3. The Committee is hereby empowered to call upon any department, bureau, office, agency or instrumentality of the government for such assistance as it may need in the discharge of its functions.

SEC. 4. The Committee shall evaluate all the facts and circumstances of the case and submit its findings and recommendations to the President of the Philippines.

SEC. 5. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 12th day of February, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) OSCAR M. ORBOS
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 211
CREATING A NATIONAL COMMITTEE TO TAKE CHARGE OF THE CELEBRATION OF
PHILIPPINE INDEPENDENCE DAY ON JUNE 12, 1991

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby create a National Committee to take charge of the celebration of Philippine Independence Day on June 12, 1991.

The Committee shall be composed of the following:

Secretary of Finance	–	Chairman
Chief of Staff of the Armed Forces of the Philippines	–	Vice-Chairman
Secretary of Foreign Affairs	–	Member
Secretary of Agriculture	–	Member
Secretary of Public Works and Highways	–	Member
Secretary of Education, Culture and Sports	–	Member
Secretary of Labor and Employment	–	Member
Secretary of National Defense	–	Member
Secretary of Interior and Local Government	–	Member
Secretary of Tourism	–	Member
Secretary of Transportation and Communications	–	Member
Secretary of Social Welfare and Development	–	Member
Secretary of Budget and Management	–	Member
Press Secretary	–	Member
Head of the Presidential Management Staff	–	Member
Chief of Presidential Protocol	–	Member
Chairman, Metro Manila Authority	–	Member
Chairman of the National Historical Institute	–	Member

The Committee shall meet at the call of the Chairman and, for purposes of discharging its functions, it may create such sub-committees as may be necessary.

The Committee is hereby authorized to call upon any department, bureau, office or agency or instrumentality of the government including government-owned or controlled corporations, for such assistance as it may need in the discharge of its functions.

DONE in the City of Manila, this 13th day of March, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) OSCAR M. ORBOS
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 212
ADOPTING A MANUAL OF OPERATIONS FOR THE MONITORING AND EVALUATION OF
LIVELIHOOD PROGRAMS AND PROJECTS

WHEREAS, the policy and implementing guidelines governing livelihood programs and projects were promulgated under Administrative Order No. 142, series of 1989;

WHEREAS, the National Economic and Development Authority Board – Social Development Committee (SDC) through its Sub-Committee on Livelihood has determined a need to adopt a manual of operations for the monitoring and evaluation of livelihood programs and projects in order to improve program management performance of the departments/agencies authorized to engage in livelihood programs and projects under the said Administrative Order;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There is hereby adopted the Manual of Operations for the Monitoring and Evaluation of Livelihood Programs and Projects, which is hereto attached and made integral part of this Administrative Order.

SECTION 2. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 13th day of March, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) OSCAR M. ORBOS
Executive Secretary

Reference: Manual for Monitoring and Evaluation of Government Livelihood Programs and Projects

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 213
ESTABLISHING A ONE-STOP-SHOP FOR LIVELIHOOD IN EACH OF THE ADMINISTRATIVE
REGIONS OF THE COUNTRY

WHEREAS, under the policy guidelines governing the implementation of livelihood programs and projects, the Departments of Agriculture, Trade and Industry, Labor and Employment, Environment and Natural Resources, Education, Culture and Sports, Interior and Local Government, and the Office of the President have been designated as the agencies primarily responsible for the implementation of livelihood programs and projects;

WHEREAS, individuals and organizations who desire to avail of the said services would best be served by establishing a simplified mechanism for the delivery of livelihood services in each of the administrative regions of the country;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Establishment of a One-Stop-Shop for Livelihood. There is hereby established in each of the administrative regions of the country a one-stop-shop for livelihood called the Tagpuan sa Kabuhayan Center, hereinafter referred to as the Kabuhayan Center, which shall bring under one roof the various government agencies and financial institutions concerned with livelihood programs and projects.

SECTION 2. The Kabuhayan Center. The Kabuhayan Center shall provide the following services:

- a. Match the needs of applicants with available government livelihood assistance;
- b. Provide information relative to the existing small and medium scale livelihood programs and projects;
- c. Referral for technical assistance on preparation of major project requirements, as may be necessary; and
- d. Facilitate the processing and action on applications/projects proposals for livelihood programs and projects.

SECTION 3. Organization and Mechanics of Operation of the Kabuhayan Center.

- a. Each regional Kabuhayan Center shall be headed by one of the primary agencies/offices primarily responsible for the implementation of livelihood programs and projects. Initially, the following are hereby designated as lead coordinating agencies/offices:

Presidential Management Staff	NCR
Department of Environment and Natural Resources	Region I
National Livelihood Support Fund	CAR
Department of Labor and Employment	Region II
Technology and Livelihood Resource Center	Region III

Department of Trade and Industry	Region IV
Department of Agriculture	Region V
Department of Agrarian Reform	Region X
Department of Interior and Local Government	Region XI

- b. The Kabuhayan centers shall be under the direct supervision of the Sub-Committee on Livelihood of the National Economic and Development Authority-Social Development Committee.
- c. A Chief Acting Officer shall be provided by the lead coordinating agency in the region to which it is designated.
- d. The primary agencies responsible for execution of livelihood programs and projects under the policy guidelines shall detail their respective personnel who shall serve as the Action Officers of the Kabuhayan Center. An information System Officer who shall be responsible for database computer operations and other support personnel, as may be necessary, shall be detailed from among these agencies/offices.
- e. In order to ensure the smooth and efficient operations of the Kabuhayan Center, the designated Chief Action Officer and other personnel complement shall work on a full-time basis and thus, should be completely relieved from their regular duties and responsibilities in their respective offices.
- f. The Chief Action Officer may call on Governors/Mayors in his/her jurisdiction to designate provincial/city/municipal action officer to provide link to the Kabuhayan Center as he/she may deem necessary.

SECTION 4. Manual of Operations. A Manual of Operations shall be formulated to ensure fast and efficient service of each Kabuhayan Center. The general guidelines in the preparation of the Manual shall be prepared at the national level by the NEDA Board Social Development Committee — Sub-Committee on Livelihood while the details shall be formulated at the regional level to suit the requirements of the different regions.

SECTION 5. Monitoring and Evaluation. Monitoring and evaluation of livelihood programs and projects processed by the Center shall be tied with the Regional Project Monitoring and Evaluation System [RPMES] under Executive Order No. 376, series of 1989.

SECTION 6. Operational Requirements. The Department of Budget and Management is hereby authorized to allocate and release the amount as may be necessary for the initial operational requirement of the Kabuhayan Centers chargeable against the respective appropriations of the concerned agencies/offices. Thereafter, the funding requirement shall be included in the General Appropriations Bill to be submitted to Congress.

SECTION 7. Effectivity. This Administrative Order shall take effect upon its approval.

DONE in the City of Manila, this 13th day of March, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) OSCAR M. ORBOS
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 214

AMENDING ADMINISTRATIVE ORDER NO. 157 DATED FEBRUARY 1, 1990 CREATING THE NATIONAL ORGANIZING COMMITTEE FOR THE FOURTH ASIAN AND PACIFIC MINISTERIAL CONFERENCE ON SOCIAL WELFARE AND DEVELOPMENT TO INCLUDE THE SECRETARY OF THE INTERIOR AND LOCAL GOVERNMENT, IN LIEU OF THE SECRETARY OF NATIONAL DEFENSE, AS MEMBER OF THE NATIONAL ORGANIZING COMMITTEE.

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby amend Administrative Order No. 157 dated February 1, 1990 creating the National Organizing Committee for the Fourth Asian and Pacific Ministerial Conference on Social Welfare and Development scheduled to be held in Manila in October 1991, to include the Secretary of the Interior and Local Government, in lieu of the Secretary of National Defense, as Member of the National Organizing Committee.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 18th day of April, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) OSCAR M. ORBOS

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 215

**DIRECTING ALL GOVERNMENT OFFICES AND AGENCIES TO RECOGNIZE AND
EXTEND ASSISTANCE TO TRIBAL COUNCILS/ORGANIZATIONS ACCREDITED BY THE
OFFICE FOR NORTHERN CULTURAL COMMUNITIES (ONCC) OR THE OFFICE FOR
SOUTHERN CULTURAL COMMUNITIES (OSCC)**

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. All government offices and agencies, including local government units and government owned or controlled corporations, are hereby directed to recognize Tribal Councils or Organizations, duly accredited by the Office for Northern Cultural Communities (ONCC) or the Office for Southern Cultural Communities (OSCC), and to extend to them technical and other assistance.

SEC. 2. Both the Office for Northern Cultural Communities and the Office for Southern Cultural Communities shall coordinate and monitor the transactions entered into by the Tribal Councils or Organizations with government offices and agencies, including local government units and government owned or controlled corporations.

SEC. 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 25th day of April, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) HERMINIO B. COLOMA, JR.

Acting Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 216

DIRECTING THE PRESIDENTIAL COMMISSION ON CULTURE AND ARTS TO TAKE
CHARGE OF THE STATE FUNERAL OF THE LATE NATIONAL ARTIST LAMBERTO V.
AVELLANA

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, hereby direct the Presidential Commission on Culture and Arts, hereinafter referred to as the Commission, to take charge of the state funeral of the late National Artist Lamberto V. Avellana consonant with Presidential Decree No. 208 and after prior arrangements with the family of the National Artist.

All departments, bureaus, offices and agencies or instrumentalities of the government are hereby enjoined to assist the Commission in this endeavor.

DONE in the City of Manila, this 26th day of April, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) HERMINIO B. COLOMA, JR.

Acting Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 217
PROVIDING FOR THE REORGANIZATION OF THE NATIONAL INTELLIGENCE BOARD

WHEREAS, pursuant to Section 7 of Executive Order No. 246, S. 1987, and Section 14, Title VIII, Book IV, of the Administrative Code of 1987, the National Intelligence Board (NIB) serves as the advisory body to the Director-General of the National Intelligence Coordinating Agency (NICA) for the coordination and integration of intelligence activities in the Government, which Board may be reorganized at any time under to the President's continuing authority to reorganize the administrative structure of the Office of the President;

WHEREAS, there is a need to further institutionalize the national intelligence effort up to the regional or local level to enhance the effectiveness of the intelligence community in detecting and monitoring threats to the stability of the state;

WHEREAS, it is in the national interest to widen and diversify the sources of intelligence information from the civilian and military sectors and intensify the coordination and integration of intelligence activities at all levels;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested upon me by law, do hereby order:

Section 1. The National Intelligence Board (NIB) shall be reorganized and expanded to include the membership of twelve civilian agencies and seven military offices as follows:

1. The National Intelligence Coordinating Agency
2. Department of Foreign Affairs;
3. The Department of National Defense;
4. The Department of Education, Culture and Sports;
5. The Department of Labor and Employment;
6. The National Economic and Development Authority;
7. The Department of Trade and Industry;
8. The Department of Interior and Local Government;
9. The Philippine National Police;
10. The National Bureau of Investigation, Department of Justice;
11. The Bureau of Immigration and Deportation, Department of Justice;
12. The Economic Intelligence and Investigation Bureau, Department of Finance;
13. The Office of the Deputy Chief of Staff for Intelligence, J2, Armed Forces of the Philippines;
14. The Office of the Assistant Chief of Staff, G2, Philippine Army;
15. The Office of the Assistant Chief of Staff, A2, Philippine Air Force;
16. The Office of the Assistant Chief of Staff, N2, Philippine Navy;
17. The Intelligence Service of the Armed Forces of the Philippines;
18. The Counter-intelligence Command, Armed Forces of the Philippines;
19. The Presidential Security Group.

Sec. 2. The designated representatives of each of these member-agencies and offices shall, if possible, be of the rank of at least an Assistant Secretary or its equivalent.

Sec. 3. The Chairman of the NIB shall be the Director-General of the National Intelligence Coordinating Agency (NICA), Office of the President.

Sec. 4. The National Security Director shall be present at all meetings of the Board and shall provide periodic guidance to the intelligence community.

Sec. 5. The Board shall serve as the advisory body to the Director-General of the NICA for the coordination and integration of all intelligence activities of the Government.

Sec. 6. The Board shall be assisted by the Regional Intelligence Coordinating Committees (RICCs) at all regions of the country. The objective of the RICCs is to integrate intelligence efforts of the Government at the regional and local levels to ensure efficient and effective coverage of all threats to national security. It shall be chaired by the Regional Director of the NICA field station and shall have as members, the regional counterparts of the NIB members. The RICC shall report to the Board periodically on their accomplishments and concerns.

Sec. 7. The Board shall have four inter-agency standing committees tasked to prepare intelligence directives, papers and plans prior to presentation, discussion and adoption by the Board. These committees shall also ensure that appropriate contributions are received from other agencies with delineated intelligence tasks.

These standing committees shall be:

1. The Joint Coordinating Committee on Operations, Production and Security
2. The Coordinating Committee on Operations
3. The Coordinating Committee on Production
4. The Coordinating Committee on Security

The NIB chairman shall designate the chairman for each committee, while the NIB members shall designate their regular representatives to each of the committees. The designated coordinating committee chairmen shall attend all meetings of the Board.

Sec. 8. The Board shall create other committees or ad-hoc working groups as required.

Sec. 9. The Board shall have a Secretariat responsible for disseminating agreements and other vital papers and all other technical and administrative matters affecting the Board. The Chairman may designate the Assistant Director-General for Production of the NICA as Board Secretary, who shall attend all meetings as a full-pledge member of the Board and who shall organize and supervise the Board Secretariat, pursuant to the approved Standard Operating Procedures and Terms of Reference of the Board.

Sec. 10. The Chairman may designate resource persons who may be invited to regularly participate in Board Meetings or as the need arises.

Sec. 11. The Board shall meet once a month or as often as necessary. The Chairman shall set the regular meetings of the Board in consultation with the National Security Director and the members of the Board.

Sec. 12. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 29th day of April, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) OSCAR M. ORBOS
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 218
DISMISSING DR. ELISEO L. RUIZ, PRESIDENT, CENTRAL LUZON STATE UNIVERSITY,
FROM THE SERVICE

This refers to the administrative complaint dated October 14, 1988, filed by Mr. Eduardo C. Paray, et al., against Dr. Eliseo L. Ruiz, President of the Central Luzon State University (CLSU), Muñoz, Nueva Ecija, for mismanagement, incompetence, imprudence in the administration of the university, corruption, dishonesty, deceit and conduct unbecoming a University President, allegedly committed and/or arising out of the following incidents, among others:

**A. MISMANAGEMENT/INCOMPETENCE/IMPRUDENCE IN
THE ADMINISTRATION OF THE UNIVERSITY**

1. Respondent caused the preparation and approval by the CLSU Board of Regents (BOR) of a Revised CLSU Organization and Management Structure, creating the positions of three (3) Vice Presidents (for Administration, Academic Affairs, and Research Extension and Training) despite the vehement opposition of concerned faculty and staff members. In so securing such approval, respondent deceptively made it appear that consultations and dialogues were undertaken. Furthermore, respondent appointed/designated the three (3) Vice Presidents without specific functions and approval of the BOR, resulting in lack of coordination, unwise decisions, confusion, and inefficiency.

2. Respondent offered new curricular programs and implemented curricular revisions without the prior approval of the CLSU Academic Council and BOR in violation of the university's charter, rules, and procedures.

3. Without considering CLSU's financial condition, respondent granted scholarship to faculty members, resulting in heavy teaching loads to other faculty members, the assignments to thirteen (13) non-teaching staff of teaching functions, non-payment of overload pay, stipends and commensurate compensation to non-academic staff.

4. Respondent leased/caused the leasing of CLSU's food processing plant to the Central Valley Food Corporation (CVFC) at a great financial disadvantage to the university and despite a previous favorable bid tendered by VITRONI. In addition, respondent allowed the use of CLSU machineries and manpower for the development of a privately-owned land (Bravo Farm) for production of cotton in commercial quantity, but said venture failed resulting in losses amounting to hundreds of thousands of government money.

5. Respondent's ineptness in planning and management of university funds led to the termination of ninety-six (96) casual employees of long standing.

6. Respondent, for a period of 1 year and 4 months, ran the university without an approved plan, and without submitting a printed annual report.

B. CORRUPTION/DISHONESTY/DECEIT

1. Respondent allowed the operations by ranking faculty members, working on official time, of a marketing cooperative – which was without an approved constitution and by-laws – as marketing arm of the university's food processing plant.

2. Respondent was responsible for the unsettled back accounts of CVFC in the amount of ₱378,775.18, representing processing fees, and for the unsettled back account due from a relative of respondent for the lease of the CLSU canteen in the amount of ₱33,860.75.

3. In 1987, respondent instructed one Adriano Saturno to file a request to purchase for CLSU chemicals without public bidding. The chemicals which were purchased from respondent's own ELR Trading for ₱32,250.00 were later found to be unsuitable for the purpose they were procured. Likewise, respondent, who is not a procurement officer, bought or caused the purchase of 600 cuttings of passion fruits at ₱3.60/cutting although passion fruit production was not programmed.

4. Respondent contracted/employed a whole orchestra/musicians without prior BOR approval, using funds intended for the CLSU's Agribusiness Ventures (AGRIVEN) projects, but without entering the amount paid in the CLSU books of accounts.

5. The CLSU administration, through respondent, collected contributions/donations from the faculty, staff, students, and private citizens for the improvement of the Lingap Kalikasan Park without proper authority from, and report to, the BOR. Reports reveal that beer was sold at the park and ranking CLSU officials were frequenting the place and drinking beer even during office hours.

C. CONDUCT UNBECOMING A UNIVERSITY PRESIDENT

On September 19, 1988, respondent harmed and maltreated one Ainee Joy Cando for her failure to produce the pictures and negatives that the former was asking for.

In his answer to the CLSU BOR, dated November 15, 1988, respondent denied all inculpatory allegations in the complaint, with a discussion of his position on the case. Some highlights of the Answer:

1. The old Organization and Management Structure of the CLSU was too centralized, hence its revision upon dialogues, consultations with, and the support of, different units (colleges).

2. The three (3) Vice Presidents were merely designated.

3. The revision of existing curricular programs has always been with the approval of the proper body.

4. The grant of scholarship to faculty members was authorized by the CLSU BOR.

5. The contract of lease with the CVFC was entered into after Ms. Blanka Vetrone of the New World Manufacturing Industries, Inc., retracted her offer to lease the CLSU food processing plant.

6. The development of the Bravo Farm was covered by a legitimate contract envisaged to generate reasonable profits for the university.

7. The termination of casuals was the result of the DBM-imposed ceiling on the number of casuals to be hired/retained, coupled with funding constraint.

8. The alleged unsettled account of CVFC was only ₱29,775.28 as said company was able to pay the amount of ₱190,000.00.

9. On the alleged anomaly in the purchase of chemicals from ELR (Eliseo L. Ruiz) Trading, respondent claims he could not have instructed Mr. Saturno to obtain the chemicals from his family's outlet as he was in Davao City from October 21-25, 1987, adding that upon being informed of the

transaction, he immediately advised then COA Auditor Eleanor Bernardo to cancel Check No. 434207 for the payment of the chemicals.

10. The procurement of the passion fruit cuttings for experimental purposes was based on the reports and requisition made by AGRIVEN officials.

11. Collection/contribution/donation for the Lingap Kalikasan Park was voluntary, undertaken by his friends, faculty, and staff members. He issued a memorandum prohibiting the sale of intoxicating drinks/beverages upon being apprised of such activity.

In an affidavit, respondent denied having inflicted bodily harm on Miss Cando.

On October 18, 1989, my office directed the Secretary, Department of Education, Culture and Sports (DECS), to formally investigate the charges against respondent. Thereafter, a committee of three (3) members conducted hearings and submitted a report to DECS Secretary Isidro D. Carino. Secretary Carino in turn forwarded said report to my office in a 1st Indorsement dated August 3, 1990, the salient portions of which may be summarized as follows:

1. Respondent imprudently ordered the transfer of the functions of the CLSU's Executive Vice President – a position then temporarily held by Dr. Marcelo Roguel pursuant to a designation order from the CLSU BOR – thus in effect arrogating unto himself the BOR's authority to terminate the designation it conferred upon Dr. Roguel.

2. The CLSU offered new courses during the summer of 1988 and the first semester of school year 1988-89 without prior approval/authority from the CLSU BOR.

3. Respondent entered into a contract with the Central Valley Food Corporation even before its registration with the Securities and Exchange Commission. Consequently, CLSU virtually subsidized non-existing entity.

4. Respondent gave undue benefits to the Bravo Farm when CLSU developed, pursuant to a Joint Venture Agreement, seventeen (17) hectares, instead of fifteen (15) hectares as provided in the contract. Among the interlocking transactions connected to this contract relates to the Crop Harvest Sales Agreement entered into by respondent with Fast Agro-System Technology where he then occupied a directorship.

5. On the purchase of chemicals from respondent's ELR Trading, respondent was indeed in Davao City on October 21 to 25, 1987, when the purchase took place, but the processing of the Requisition and Issue Voucher for the acquisition "dates back to September 29, 1987, and ELR Trading gave undated canvass of prices."

6. Respondent negotiated for some 600 pieces of passion fruit cuttings which later on wilted and died. Respondent admitted that passion fruit production was unprogrammed.

7. Respondent unduly extended the contract of lease on the CLSU canteen to Mrs. Zenaida S. Santos despite her failure to pay, within the grace period provided for, the monthly rental and notwithstanding a stipulation for contract termination in case of such failure. The extension allowed by respondent resulted in the incursion by Mrs. Santos of back accounts.

8. Respondent violated, in connection with the establishment of the Lingap Kalikasan Park, Republic Act No. 5546 prohibiting, subject to certain exceptions, the collection of contributions, whether voluntary or not or for any project, from teachers and students of public/private schools.

9. A medical certificate described injuries on Miss Cando showing the occurrence of an unusual incident which is likewise the subject of a criminal complaint against the respondent.

10. There are no substantial evidence to support the other counts.

In all, the DECS Secretary regards respondent's acts indicated in his 1st Indorsement aforementioned as constituting grave offenses of misconduct, dishonesty, and/or conduct prejudicial to the best interest of the service.

After a careful study of the investigation report, the records as well as the testimonial and documentary evidence, I am persuaded of respondent's culpability of most of the acts complained of. His acts of terminating the designation of Dr. Roguel as Executive Vice President, of offering new courses, of undertaking unprogrammed projects, as in the mass planting of passion fruits, without the required prior approval of the University's Board of Regents, betray his cavalier view of the university's charter, rules, and/or policies. These actuations indicate not only imprudence and mismanagement, but abuse of authority as well. By allowing or at least tolerating the sale of intoxicating drinks within the university's premises, respondent also betrayed a deficiency in decorous management.

Respondent did far worse with respect to its business affairs. I need not belabor the lease award of CLSU's food processing plant under questionable circumstances and to a non-registered Corporation at that. Mention may also be made of the extension of the school's canteen lease contract in favor of a delinquent lessee to the financial prejudice of the University.

At this point, it is meet to delve into two (2) other transactions where the ugly head of conflict of interests surfaces. I refer to the supply contract with ELR Trading owned by respondent and/or his family and the sales agreement with Fast Agro Systems Technology. In the first instance, delivery of the ELR-supplied chemicals were made, although respondent later ordered the cancellation of the pay check. In relation to the second, there is evidence showing respondent sat as director of Fast Agro Systems Technology. The fact alone that said contracts came to be in the first place, and given respondent's link with the private parties and given his presence at his station when the requisition and issue voucher for the chemical was prepared, is in itself a badge of reproachable impropriety. Even as I am unprepared to call respondent to task for personally profiting from these transactions, let it be remembered that directly or indirectly having financial or pecuniary interest in any contract/transaction in connection with which a public officer intervenes or takes part in his official capacity or in which he is prohibited by law from having any interest constitutes corrupt practices (Sec. 3[h], RA 3019).

Lastly, respondent violated Republic Act No. 5546, supra, when he authorized the collection of contributions from teachers and students of CLSU for the development of the Lingap Kalikasan Park.

While the DECS Secretary recommends, on humanitarian reasons, the penalty of forced resignation with benefits for what he correctly views as respondent's grave misconduct and conduct prejudicial to the best interest of the service, I am of a different disposition. On them entrusted with great responsibility and authority much is expected. By his positive actions complained of, respondent betrayed the high calling and mission of his office. As head of a university tasked to train young minds and shape character, it behooves respondent to set correct examples. Respondent's palpable infraction of statutory and ethical standards, juxtaposed by the number of inculpatory acts committed, seal off all avenues of leniency.

WHEREFORE, **DR. ELISEO L. RUIZ**, President of the Central Luzon State University, is hereby **DISMISSED** from the service with all the accessory penalties of dismissal.

Done in the City of Manila, this 6th day of May, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) OSCAR M. ORBOS
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 219
RECONSTITUTING THE MEMBERSHIP OF HUMAN RIGHTS COMMITTEE CREATED
UNDER ADMINISTRATIVE ORDER NO. 101, SERIES OF 1988.

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the power vested in me by law, do hereby order:

SECTION 1. The Human Rights Committee created under Administrative Order No. 101, series of 1988, is hereby reconstituted, as follows:

Secretary of Justice	– Chairman
Senate	– Member
House of Representatives	– Member
Commission on Human Rights	– Member
Department of Foreign Affairs	– Member
Department of National Defense	– Member
Department of Interior and Local Government	– Member
Department of Health	– Member
Department of Social Welfare and Development	– Member
Presidential Legal Counsel	– Member
Two representatives from non-government organization on human rights to be appointed by the President	– Member

The permanent and alternate representatives of the Commission on Human Rights, the Congress and the departments shall be designated by the respective heads of office.

SEC. 2. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 6th day of May, in the year of Our Lord, nineteen hundred and ninety-one

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) OSCAR M. ORBOS
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 220
CREATING AN INTER-AGENCY COMMITTEE ON CLIMATE CHANGE

WHEREAS, it is the policy of the State to protect and advance the right of the Filipino people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, there is mounting scientific evidence of an impending global warning, a phenomenon caused by the accumulation of heat-trapping gases in the atmosphere with consequences which are far-reaching in scope and irreversible in nature;

WHEREAS, the World Meteorological Organization at its Tenth Congress in 1987 recommended that an inter-governmental mechanism be established, jointly with the United Nations Environmental Programme, to study all issues related to climate change;

WHEREAS, the United Nations has resolved that identification and possible strengthening of existing conventions and protocols with a bearing on climate change should be instituted;

WHEREAS, the Philippines is located in an area where extreme climate changes likely to occur due to global warning will adversely affect its coastal areas and critical land ecosystems;

WHEREAS, the Science and Technology Coordinating Council, the highest science and technology governing body of the country, identified the need for us to join hands with the international community to correct the growing trend towards global warning and to prepare our defenses against its adverse effects;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There is hereby created an Inter-Agency Committee on Climate Change, hereinafter referred to as the Committee, to be chaired by the Secretary of the Department of Environment and Natural Resources and co-chaired by the Secretary of the Department of Science and Technology with a senior representative each from the Department of Foreign Affairs, Environmental Management Bureau, National Mapping Resource and Information Agency, and the Philippine Atmospheric Geophysical and Astronomical Services Administration as members.

SEC. 2. The Departments of Agriculture, Trade and Industry, Education, Culture and Sports, Public Works and Highways, Transportation and Communications, and Interior and Local Government, the National Economic and Development Authority and the concerned Non-government Organizations shall provide such technical assistance and support as may be needed by the Committee in the performance of its responsibilities.

SEC. 3. The Committee shall have the following functions:

- a. Formulate policies and response strategies related to climate change;
- b. Determine the national information requirements relevant to negotiations for the adoption of a central instrument at the UN Conference for Environment and Development, Brazil (1992);
- c. Establish working groups to monitor and assess local climate change and its environmental and socio-economic impact in coordination with international agencies; and,

- d. Designate a focal point to serve as the link between the Philippines and the Secretariats of the United Nations Environmental Programs (UNEP) and the World Meteorological Organization (WMO).

SEC. 4. The Department of Environment and Natural Resources shall provide technical and secretariat support to the Committee.

SEC. 5. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 8th day of May, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) OSCAR M. ORBOS

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 221
CREATING A SPECIAL COMMITTEE THAT SHALL ADDRESS ALL CRIMES AGAINST
FOREIGN VISITORS WITH THE END IN VIEW OF ENSURING THEIR SAFETY
WITHIN THE COUNTRY

WHEREAS, the increasing incidence of crimes committed against tourists, investors, and other foreign visitors is projecting a negative image for our country abroad;

WHEREAS, it is imperative that further appropriate and forceful measures be taken not only to protect and safeguard foreign visitors from such criminal activities, but also to enhance the general peace and order situation in our tourist-oriented areas, and improve the overall investment climate in the country;

WHEREAS, one such appropriate measure recommended by the Department of Interior and Local Government is the creation of a Special Committee to be composed of various government agencies for the specific purpose of addressing the problem of crimes being committed against foreign visitors;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There shall be created a Special Committee which shall be composed of the following:

Undersecretary for Peace & Order, DILG	– Chairman
Undersecretary for Planning, Development and Coordination, DOT	– Member
Chief of Staff, AFP	– -do-
Chief, Philippine National Police	– -do-
Director, National Bureau of Investigation	– -do-
Commissioner, Bureau of Immigration and Deportation	– -do-
Commissioner, Bureau of Customs	– -do-
Director, Land Transportation Office	– -do-
General Manager, Manila International Airport Authority	– -do-
Governor, Central Bank of the Philippines	– -do-
Commissioner, Economic Intelligence & Investigation Bureau	– -do-

The Committee shall formulate plans to coordinate, integrate, direct, control and supervise all measures aimed at preventing or suppressing all crimes committed against foreign visitors with the end in view of ensuring their personal safety and peaceful sojourn in the country.

The Committee shall adopt measures geared towards a “total approach” to the problem of effectively preventing the commission of crimes against foreign visitors and expeditiously solving such crimes which may henceforth be committed. Such measures shall include a provision for an adequate organization for planning and implementation at all levels; organization of a control and coordinating center which can effect immediate response from all tasked units or agencies, with a clear delineation of their respective authority and functions; and formulation of guidelines for the mass media in

reporting incidents involving crimes against foreign visitors in order not to prejudice the effectiveness of operations against criminal syndicates and other dubious elements preying on these foreign nationals.

SEC. 2. The Committee is hereby authorized to call upon all departments, bureaus, offices, agencies and institutions for assistance in the effective implementation of its above functions.

DONE in the City of Manila, this 9th day of May, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) OSCAR M. ORBOS

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). [*Administrative Order Nos.: 151 - 289*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 222
PROVIDING FOR THE CREATION OF AN INTER-AGENCY ROAD SAFETY COMMITTEE
(IRSC) AND FOR OTHER PURPOSES

WHEREAS, the promotion of travel safety, particularly the prevention of the significant incidence of road accidents in the country, is a primary concern of the government;

WHEREAS, there is need to coordinate the review and enforcement of current measures on road safety, and formulate policies, programs and plans to further improve safety on the road;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There is hereby created an Inter-Agency Road Safety Committee hereinafter referred to as the Committee, composed of the following:

The Secretary of Public Works and Highways	–	Chairman
The Secretary of Transportation and Communications	–	Co-Chairman
The Secretary of Education, Culture and Sports	–	Member
The Secretary of National Defense	–	Member
The Secretary of Health	–	Member
The Secretary of Interior and Local Government	–	Member
The Representative of the Safety Organization of the Philippines, Incorporated	–	Member

SEC. 2. Powers and Functions. The Committee shall have the following powers and functions:

- a. Coordinate activities of individual agencies concerned with the formulation of policies, rules and regulations and enforcement of road safety;
- b. Formulate immediate, medium-term and long-term plans involving infrastructure and other physical improvements, vehicle safety improvement program, and traffic accidents data base management;
- c. Study and recommend an appropriate institutional body to coordinate and implement the abovesited plans and programs;
- d. Recommend legislative measures to amend, supplement and/or enact laws on road safety travel; and,
- e. Request assistance of any government agency, department, bureau or office, including government-owned and/or controlled corporation as may be necessary in the accomplishment of its operational activities.

SEC. 3. A Working Group composed of representatives from the Department of Public Works and Highways, (DPWH); Traffic Engineering Center (TEC); the Department of Transportation and Communications (DOTC); Land Transportation Office (LTO); the Land Transportation Franchising

and Regulatory Board (LTFRB); and the Transport Planning Service (TPS); the Department of Education, Culture and Sports (DECS); the Department of Health (DOH); the Department of Interior and Local Government (DILG); the Philippine National Police (PNP) and the Highway Patrol Group (HPG); the Department of National Defense; the National Economic and Development Authority; Infrastructure Staff; and the Philippine Information Agency (PIA), as may be designated by the Head of the said offices/agencies. The group shall provide technical support and act as the Secretariat of the Committee.

SEC. 4. The amount as may be necessary for the operational requirement of the Committee and the Working Group shall be charged against any lump-sum appropriation in the General Appropriations Act as may be determined by the Department of Budget and Management, subject to the usual accounting and auditing law, rules and regulations.

SEC. 5. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 30th day of May, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) OSCAR M. ORBOS

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 223
CONSTITUTING A COMMITTEE FOR THE PREPARATION OF THE NATIONAL
CENTENNIAL CELEBRATIONS IN 1998

WHEREAS, the birth of the Republic of the Philippines is to be celebrated in 1998, and the centennial presents an important vehicle for fostering nationhood and a strong sense of Filipino identity;

WHEREAS, the centennial can effectively showcase Filipino heritage and thereby strengthen Filipino values;

WHEREAS, the success of the Centennial Celebrations may be insured only through long-range planning and continuous developmental programming;

WHEREAS, the active participation of the private sector in all areas of special expertise and capability, particularly in communication and information dissemination, is necessary for long-range planning and continuous developmental programming;

WHEREAS, there is a need to create a body which shall initiate and undertake the primary task of harnessing the multisectoral components from the business, cultural, and media sectors to serve as effective instruments for the launching and overseeing of this long-term project;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Committee for the National Centennial Celebrations in 1998, hereinafter referred to as the Committee, is hereby constituted to take charge of the nationwide preparations for the National Celebration of the Philippine Centennial of the Declaration of Philippine Independence, and the Inauguration of the Malolos Congress. The Committee shall be composed of six (6) representatives from the Presidential Commission for Culture and the Arts (PCCA), and five (5) representatives from the Philippine Centennial Foundation, Inc. (PCFI). They shall be appointed by the President upon their nomination by their respective groups.

The Committee members shall elect among themselves the Chairman and Vice Chairman, and such other officers as they may deem necessary.

SEC. 2. The Committee shall have the following powers:

1. To undertake the overall study, formulation and implementation of programs and projects on the utilization of culture, arts, and media as vehicles for value education in the context of the Centennial Celebration;
 2. To act as principal coordinator for all the activities related to awareness and celebration of the centennial;
 3. To constitute sub-committees and working groups which shall undertake the implementation of the programs and projects; and,
 4. To call upon the assistance of any government agency or instrumentality and corporation, and to invite private individuals and organizations to assist it in the performance of its tasks.
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SEC. 3. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 13th day of June, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) OSCAR M. ORBOS

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 224
DIRECTING THE CONTINUED ADOPTION OF CERTAIN ECONOMY MEASURES
FOR FY 1991

WHEREAS, the emergency situation has been alleviated and the fiscal condition has correspondingly improved;

WHEREAS, while certain economy measures may be lifted to free more authorized resources to carry out government programs, there is still a need to maintain prudence in government spending;

WHEREAS, there is a need to clarify the remaining measures that need to be adopted by all agencies concerned;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Coverage. All national government agencies, including government-owned or controlled corporations, and local government units shall be covered by the economy measures prescribed hereunder for FY 1991, except the following:

- a. Local government activities funded from local funds which, for the purpose of this Administrative Order, shall mean the Internal Revenue Allotment (IRA), Specific Tax Allotment (STA), Local Government Revenue Stabilization Fund (LGRSF) and other locally-generated revenue sources; and
- b. Government-owned or controlled corporations which do not receive any form of government financial assistance, specifically equity, subsidy, advances for debt servicing and tax subsidy.

SEC. 2. Specific Economy Measures. The following economy measures shall continue to be adopted in FY 1991:

- a. Deferment of the Hiring of Consultants, Contractuals and Casuals. The hiring of consultants, contractuals and casuals shall be deferred, except in the following cases:
 1. For foreign-assisted projects where the hiring of consultants and other related personnel to these projects is explicitly provided under the terms and conditions of the loan agreement;
 2. Agencies which are staffed by contractuals pursuant to existing policy or by law; Provided, That in no case shall the actual number of existing personnel or warm bodies as of 31 December 1990 be exceeded;
 3. The hiring of contractuals and casuals whose salaries are chargeable against lump sum funds specifically authorized by law for the purpose, subject to the determination by the Department Secretary or head of agency concerned of the essentiality of their services;
 4. The rehiring of part-time physicians by government hospitals;
 5. The hiring of substitutes to personnel on leave.

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- b. Discontinuance of the grant and payment of honoraria and similar allowances. The grant and payment of honoraria and similar allowances shall be discontinued, except the following:
1. Representation and transportation allowances as authorized in the General Appropriations Act;
 2. Allowances to barangay captains as authorized in the General Appropriations Act;
 3. Honoraria to day-care workers of the Department of Social Welfare and Development;
 4. Allowances to scholars;
 5. Service fees authorized under the General Appropriations Act;
 6. Allowances to military personnel detailed with members of Congress and officials of the national government with at least a cabinet rank, or assigned as security in on-going infrastructure projects and critical government facilities located in strife-torn, embattled and security areas as certified by the Secretary of National Defense; and
 7. Payment of honoraria to officials and employees who are entitled thereto under existing law, jurisprudence and policy while rendering services in inter-agency committees created by law or by Presidential directive.

For purposes of this Administrative Order, the following payments are not considered honoraria:

1. For teaching overload in the Department of Education, Culture and Sports, schools and state universities and colleges;
 2. For teaching in schools maintained by special hospitals under the Department of Health;
 3. For duly authorized per diems of members of the Board of Regents or Board of Directors/ Trustees of state universities and colleges;
 4. For executive positions in state universities and colleges filled by designation from among the faculty members;
 5. For duly authorized per diems and/or fees of members of the Board of Directors/Trustees of government-owned or controlled corporations, subject to the decision of the Supreme Court in G.R. No. 83896 entitled *Civil Liberties Union of the Philippines vs. The Executive Secretary*;
 6. For services of lecturers and resource persons in training programs, where the conduct of such training program is a regular function of the agency concerned;
 7. For services rendered by a private sector representative in a duly authorized inter-agency committee;
 8. For the services of a judge by virtue of his designation as Executive Judge;
 9. For municipal treasurers deputized by the Bureau of Internal Revenue to collect and remit revenue collections;
 10. For government personnel including teachers deputized by the Commission on Elections during electoral exercises;
 11. For government personnel deputized by the National Statistical Coordination Board for the conduct of census and statistical surveys;
 12. For Zoning Administrators deputized by the Housing and Land Use Regulatory Board; and
 13. For duly authorized per diems and reimbursement of expenses incurred in official travels.
-

- c. Suspension of all foreign travels. All foreign travels shall be suspended, except those fully funded from grants, or those expressly authorized by the Office of the President. In cases where funding by the donor agencies does not include clothing allowance and pre-travel expenses, the recipients of scholarship or training grants may collect clothing allowance and funding for pre-travel expenses against the funds of their respective agencies, subject to the terms and conditions specified in Executive Order No. 401.
- d. Disallowance of the purchase of motor vehicles. The purchase of motor vehicles for management and staff use shall continue to be disallowed.
- e. Disallowance of overtime payment in excess of sixty (60) hours per month. The payment of overtime services in excess of sixty (60) hours per month shall be disallowed, except as may be authorized by the Department Secretary or head of agency concerned pursuant to the provisions of Memorandum Order No. 228, series of 1989. Further, the total overtime compensation which may be allowed an employee for a given calendar year shall not exceed fifty percent (50%) of his basic annual salary. Furthermore, total overtime payments made in any given calendar year shall not exceed five percent (5%) of the agency payroll for personal services; Provided, That allowances drawn for actual official expenses incurred in special projects shall be excluded from the said ceiling.

SEC. 3. **Responsibility of the Department of Budget and Management.** The Department of Budget and Management shall continue to submit to the Office of the President a quarterly report on the status of the implementation of this Administrative Order.

SEC. 4. **Repealing Clause.** Administrative Order No. 205, Series of 1991, is hereby superseded. All other issuances on economy measures and their corresponding rules and regulations inconsistent with the provisions of this Administrative Order are hereby repealed and/or modified accordingly.

SEC. 5. **Effectivity.** This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 13th day of June, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) OSCAR M. ORBOS

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 225

**DIRECTING ALL HEADS AND EMPLOYEES OF DEPARTMENTS AND AGENCIES TO
IMPLEMENT THE MEMORANDUM OF UNDERTAKING FOR IMPROVED PUBLIC SERVICE**

WHEREAS, the improvement in the quality and delivery of public services is a common goal of those who manage government as well as those who compose its rank-and-file;

WHEREAS, in line with the above objective, the government and representatives of government workers signed a Memorandum of Undertaking last 30 April 1991.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. All departments/agencies to allow the monetization of leave credits equivalent to the annual vacation leave earned by a government employee, minus the mandatory five-day leave, in accordance with the guidelines jointly promulgated by the Civil Service Commission and the Department of Budget and Management.

SEC. 2. All government departments/agencies to designate a **Health and Welfare officer** who will be responsible for developing employee welfare programs within existing budgetary limits in consultation with the collective bargaining agent of all rank-and-file employees in said department/agency.

SEC. 3. The members of the government panel of the Public Sector Compensation Review Panel created in the Memorandum of Undertaking (MOU) shall be chaired by the Head, Presidential Management Staff and representatives from the Civil Service Commission (CSC), Department of Budget and Management (DBM), Department of Justice (DOJ), Department of Labor and Employment (DOLE) as members.

SEC. 4. The Presidential Management Staff shall be responsible to the Office of the President (OP) for implementing the government commitments specifically on the appointment of qualified rank-and-file government employees to government-owned and controlled corporations, the implementation of the program on Government Employees Cooperative as well as for monitoring the effective implementation of the Memorandum of Undertaking.

SEC. 5. All government employees are enjoined to observe and implement the commitments made by their representatives as embodied in the MOU.

DONE in the City of Manila, this 18th day of June, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) OSCAR M. ORBOS
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 226

SUSPENDING MR. WILFREDO P. CUYUGAN, FOREIGN SERVICE OFFICER II, FROM THE
SERVICE FOR ONE (1) YEAR AND ORDERING THE REFUND OF ₱175,851.62

This refers to the administrative complaint, dated February 8, 1989, filed by Undersecretary of Foreign Affairs Manuel T. Yan against Mr. Wilfredo R. Cuyugan, then a Foreign Service Officer III, for insubordination, neglect of duty and/or refusal to perform official duty.

Records show that on February 5, 1988, Foreign Affairs Secretary Raul S. Manglapus issued Assignment Order No. 11-88 assigning respondent to the Philippine Embassy in Hanoi, Socialist Republic of Vietnam, as Third Secretary and Vice-Consul. Pursuant thereto, Cuyugan assumed office on July 11, 1988 in Hanoi.

After less than two (2) months in his foreign assignment, respondent returned to Manila on September 2, 1988, on an approved leave of absence for twenty (20) working days covering the period from September 2 to September 29, 1988, in order to attend the funeral of an uncle. On the strength of a medical certificate stating that he had acute gastritis, respondent again filed a leave of absence covering the period from October 14 to November 16, 1988, which was approved by the Office of Personnel and Administrative Services (OPAS), Department of Foreign Affairs (DFA).

On November 14, 1988, OPAS Director-General Rosalinda V. Tirona sent a cablegram to the Philippine Embassy in Hanoi informing that respondent is on an approved sick leave of absence up to November 16, 1988, but that he had been instructed to return to his post thereafter considering his absence therefrom for more than two (2) months immediately after he assumed his Hanoi position. On the basis of another medical certificate, dated November 11, 1988, stating that he was still undergoing treatment for chronic gastritis, respondent filed another application for leave of absence for thirty (30) working days, without, however, specifying therein the period covered by his intended leave or indicating the date of its filing. Said leave application does not bear the approval of OPAS.

In his letter of November 22, 1988, respondent requested Secretary Manglapus that he be recalled from his Hanoi assignment due to personal and medical reasons. In the same letter, he wrote the following: "While waiting for my recall order, may OPAS consider my Leave in order to cover my stay in the H.O. (Home Office)". When the letter reached OPAS, Director-General Rosalinda Tirona enforced thereon the following hand-written note addressed to a certain "Jorge" (presumably then Executive Director Jorge V. Arizabal): "This is unfortunate because of the expenses incurred by the DFA. Cuyugan must be instructed immediately to return to his post. When recalled, it is understood that he may not be posted out until he has completed 2-year residence at the H.O."

Subsequently, Director-General Tirona verbally informed respondent that his request for recall was denied and instructed him to return immediately to his post in Hanoi. This was followed by Director Tirona's memorandum to respondent, dated December 6, 1988, which partly reads:

"I wish to inform you that the Secretary does not, at this time, view with favor your request as you have been at post only since July 1988, You shall be

recalled to Manila or transferred to another foreign post in a more opportune time.

“In the meantime, you are instructed to go back to Hanoi to resume your duties. Failure to comply shall be subject to disciplinary action.”

On December 9, 1988, respondent sent a memorandum to Director-General Tirona, expressing his intention to comply with the latter’s verbal instructions to proceed immediately to Hanoi. In the same memorandum, however, he requested for a reconsideration of the denial of his request for recall; claiming that he was still undergoing medical treatment for chronic gastritis, and alluded to the letter of the Commission on Appointments of his nomination as Foreign Service Officer II, which may require his physical presence in Manila.

In a letter of January 5, 1989, Secretary Manglapus ordered respondent to return to his post in Hanoi on or before January 15, 1989, with the emphatic warning that failure on his part to comply therewith “will be cause for your dismissal from the service”.

The above instructions notwithstanding, respondent remained unperturbed. Hence, on February 8, 1989, respondent was formally charged by DFA Undersecretary Manuel T. Yan with insubordination, neglect of duty and/or refusal to perform official duty, as defined under Section 36 (b) of Presidential Decree No. 807, in relation to Section 1(b) Part B, Title IV of Republic Act No. 708. In the same charge sheet, respondent was directed to answer the aforestated charges within seventy-two (72) hours from receipt thereof and to state whether or not he elects to have a formal investigation of the charges against him and to avail of the services of a counsel.

In his Answer, dated April 19, 1989, respondent denied the charges of insubordination and refusal to perform official duty, and alleged, among others, that: (a) he never received the December 6, 1988 memorandum of Director-General Tirona instructing him to go back to his post in Hanoi; hence, as far as he is concerned, there was no order or instruction for him to follow; (b) he asked for reconsideration of Secretary Manglapus’ letter of January 5, 1989, on the ground that his physical presence might be required by the Commission on Appointments; which was then deliberating on his nomination as Foreign Service Officer II, but said motion for reconsideration was not acted upon by the department; (c) he also requested reconsideration of Director-General Tirona’s verbal instructions for him to return to Hanoi, but the same was similarly not acted upon; (d) the supervening events and circumstances since his arrival from Hanoi were beyond his control and, therefore, his ensuing conduct does not constitute resistance, much less defiance; (e) his continued presence in Manila was apparently sanctioned by Director-General Tirona, as shown in her telex No. HN-10-89, dated January 16, 1989, which reads: “x x x CUYUGAN AND OTHER FSO NOMINEES REQUIRED BY C/A TO BE PRESENT AT ITS FOREIGN RELATIONS COMMITTEE HEARING IN CONNECTION WITH THEIR PROMOTIONS”; and (f) his questioned actuation does not fall under the definition of “neglect of duty” and “refusal to perform official duty”, as enunciated in the case of *Nera vs. Garcia*, et al. (G.R. No. L-13169, January 30, 1960).

Acting on the administrative charges, the Board of Foreign Service Administration (BFSa) referred the same for investigation and report to its Investigation Committee, Division II. On October 16, 1989, Cuyugan, thru counsel, filed with the Investigating Committee a “MOTION TO DISMISS ON DEMURER TO EVIDENCE”, which motion was, however, denied for lack of merit on November 21, 1989.

After due hearing, or on December 26, 1989, the Investigating Committee found respondent not guilty as charge for lack of evidence to support the same. However, Investigating Committee member Lourdes Morales, who abstained from the Investigating Committee’s findings, took a different view

and, in her Memorandum for the Chairman of the Investigating Committee, dated January 22, 1990, stated, inter alia, thus:

“Acceptance of this finding and recommendation, in the undersigned’s view would put into serious question the Department’s authority and capability to enforce its decisions, instructions, rules and regulations. The discipline which the Department seeks to instill in its junior officers would, furthermore, be seriously eroded. Another Cuyugan case would not be far-fetched.

“It should be noted that Secretary Manglapus’ letter to Mr. Cuyugan of 15 January 1989 [should be January 5, 1989] directed him to return to post or face dismissal from the service.”

On April 19, 1990, the BFSa issued a resolution the pertinent portions of which are quoted below:

“There cannot be a clearer case of insubordination, neglect of duty and/or refusal to perform official duty. The instruction for Mr. Cuyugan to return to his post occurred a number of times.

“Mr. Cuyugan claims that he had never received the letter of 6 December 1988 of Director-General Tirona and that, therefore, as far as he was concerned, there was no order of instruction for him to follow. It is unbelievable that the content of the 6 December 1988 letter had not reached Mr. Cuyugan and his ‘unavailability’ to receive for the same appeared to have been deliberate for the following reasons:

“1. Executive Director Arizabal’s Memorandum to Director-General Tirona dated 4 January 1989 stated that he went consistently to Room 316 and informed Mr. Cuyugan’s friends of the 6 December Memorandum. He further stated that when Mr. Cuyugan was finally found, he told him of the Memorandum ordering him to return to Hanoi, ‘he never came to collect the Memo.’;

“2. In Director-General Tirona’s note on her 6 December 1988 Memorandum, she asked, ‘why was this not served? I saw Mr. Cuyugan at the second floor today’;

“3. Mr. Cuyugan was in frequent communication with Executive Director Arizabal. Mr. Cuyugan’s own statement has it that in fact he had two letters received by Executive Director Arizabal on 12 December 1988 and 14 December 1988. He further stated that he spoke to Executive Director Arizabal on several occasions – 6 December, 12 December, 14 December, 19 December and 27 December 1988. He admitted to being in touch

all the time and being always with Executive Director Arizabal;

“4. Mr. Cuyugan was always in DFA premises. He has made statements to the effect that he had all the time made it a point to report to office religiously, to OPAS in particular; that he was all the time logging in at OPAS logbook; that he was doing work and assisting in the Office of Asst. Secretary Israel Bocobo; that he even signed communications for Asst. Secretary Bocobo whenever the latter was abroad; and

“5. Mr. Cuyugan was ‘available’ to receive all the communications sent to him by the Commission on Appointments relative to his nomination as FSO II.

“In any case, it is indicated that there was awareness on the part of Mr. Cuyugan of an order for him to return to post. Mr. Cuyugan’s request for recall of 22 November was verbally denied by Director-General Tirona, along with a verbal instruction for him to return to his post.

x x x

x x x

x x x

“While the intervening events, such as the Commission on Appointments’ confirmation proceedings, were so directed and managed to make it conveniently appear that the failure of Mr. Cuyugan to return to his post was justified, they do not detract from the established fact that an order to return to post existed and compliance was demanded of the respondent, refusal of which is a grave offense.

x x x

x x x

x x x

“On the part of the Department, the Office has done its part in reminding and directing Mr. Cuyugan to report to his Official Station for a number of times, as embodied in a Cablegram dated November 14, 1988; Transmittal letter dated November 17, 1988; Memorandum dated December 6, 1988; and letter dated January 5, 1989. It is thus clear that Mr. Cuyugan was sufficiently notified of the Report to Work Order of the Director General and the Secretary of the Department of Foreign Affairs.

“The continuous defiance by Mr. Wilfredo R. Cuyugan of the Report for Work Order necessarily constitutes insubordination, neglect of duty and/or refusal to perform official duty.

“This act of defiance to said order consequently also constitutes unauthorized absences and conduct prejudicial to the best interest of the service. This is because of the fact that his services are urgently needed by the Philippine Embassy in Hanoi, and that his mere absence thereto is directly interrupting the flow of service in that post.”

The same Board went further as to recommend:

“In view of the nature of the act of defiance to the Report to Work Order which properly constitutes four (4) grave offenses namely:

insubordination, neglect of duty and/or refusal to perform official duty, unauthorized absences and conduct prejudicial to the best interest of the service and in view of the sensitivity of the position of Mr. Wilfredo R. Cuyugan as Third Secretary and Vice-Consul, it is hereby recommended that the penalty of dismissal from the service be imposed on him without prejudice to his receiving separation benefits. It is also recommended that Mr. Cuyugan shall be made to refund the amount of One Hundred Seventy Five Thousand Eight Hundred Fifty One Pesos and 62/100 (P175,851.62) representing the amount of salaries and allowances he collected during the period of his unauthorized absences, x x x.

“The abovementioned amount shall constitute a lien on the separation benefits x x x”.

Concurring in the findings and recommendation of the BFSA, Secretary Manglapus, in his Memorandum for me, dated May 22, 1990, likewise recommended that respondent be dismissed from the service without prejudice to receiving separation benefits that may be due him.

On May 28, 1990, respondent was notified by the BFSA of its Resolution, dated April 19, 1990.

On September 11, 1990, this Office, thru then Executive Secretary Catalino Macaraig, Jr., referred the entire records of Administrative Case No. 89-01 to the Secretary of Foreign Affairs for re-evaluation of BFSA's recommendation in the light of previous similar personnel disciplinary proceedings involving Presidential appointees, specifically the cases of former Counsellor Julius G. Maloles and Ambassador Romeo O. Fernandez; and that pronouncement in Aquino v. GSIS, (22 SCRA 415) that:

“x x x the consequences of dismissal or involuntary separation from service are governed by the laws applicable. The offices or entities where service was rendered are powerless to affect such consequences, which are not dependent upon the discretion of the officials heading the particular office or entity. It follows that the resolution considering [respondent] Aquino resigned, insofar as it provides that it shall be deemed ‘without prejudice to whatever retirement benefits he may be entitled’ can not preserve for him such benefits if under the law he has no right thereto x x x” (at pp. 410-420).

However, in his reply of October 15, 1990, Secretary Raul S. Manglapus, citing the cases of Cathay Pacific Airways, Ltd. vs. Romillo, Jr., No. L-64276, August 12, 1986 and Prudential Bank vs. Castro, Adm. Case No. 2756, June 27, 1988, affirmed the amended Resolution of the BFSA and stating further that:

“In later decisions, the Supreme Court dismissed some judges for cause with forfeiture of retirement and pay benefits. Upon motion for reconsideration on ground of humanitarian consideration the Supreme Court reconsidered the decisions by allowing the dismissed judges to all vacation and sick leave benefits x x x.

“In accordance with the aforesaid rulings the Board of Foreign Service Administration amended its Resolution reiterating the dismissal of Wilfredo Cuyugan with forfeiture of all retirement benefits and pay. He may, however,

enjoy vacation and sick leave benefits he had earned during his entire government service, copy of which is hereto attached. Wilfredo Cuyugan is further ordered to refund with the Department of Foreign Affairs the amount of ₱175,851.62 he had collected during his unauthorized absences and resolution x x x.”

After going over the records of the case, I concur with the BFSAs finding that respondent is guilty of insubordination, neglect of duty and/or refusal to perform official duty, unauthorized absences and conduct prejudicial to the best interest of the service.

Anent the charge of insubordination, the evidence incontrovertibly shows that respondent failed to heed the “Return-to-Work Order” directing him to return to his post in Hanoi, despite several admonitions from the OPAS and from no less than Secretary Manglapus himself. This fact alone constitutes insubordination, as respondent’s continued defiance evinced a willful disregard of an express direction and refusal to obey reasonable orders of his superiors. No doubt, his attitude does not speak well of the conduct expected of a person of his stature, rank and standing.

Necessarily, respondent’s continued defiance as such resulted in the commission of similarly grave offenses namely, neglect of duty and/or refusal to perform official duty, unauthorized absences and conduct prejudicial to the best interest of the service. Indeed, his long absence unnecessarily disturbed the smooth flow of service and the effective performance of embassy functions attendant to his position.

I do not agree, however, with the recommendation of the Secretary of Foreign Affairs that the penalty for the offenses committed by Mr. Cuyugan be dismissal from the service with forfeiture of all retirement benefits and pay, plus refund of the amount of ₱175,851.62 he had collected during his unauthorized absences, without prejudice to the enjoyment of vacation and sick leave benefits he had earned during his entire government service. I find suspension from office for one year without pay, plus refund of the amount he had collected during his unauthorized absences, the proper penalty, consistent with Administrative Order No. 155, series of 1990, “Suspending Ambassador Romeo O. Fernandez For One (1) year and Sustaining The Order of the Secretary of Foreign Affairs Recalling Him to the Home Office From His Post as Ambassador-Designate To Peru” for having been found guilty of insubordination, dishonesty, and grave misconduct and conduct prejudicial to the best interest of the service, offenses no less graver than those committed by Mr. Cuyugan. Be it noted that in Fernandez, the penalty imposed was the penalty recommended.

Wherefore, and as recommended by the Secretary of Foreign Affairs, respondent WILFREDO R. CUYUGAN is hereby found GUILTY of insubordination, neglect of duty and/or refusal to perform official duty, unauthorized absences and conduct prejudicial to the best interest of the service. Accordingly, he is hereby SUSPENDED from office for one (1) year without pay and ORDERED to refund the amount of One Hundred Seventy-Five Thousand Eight Hundred Fifty-One and 62/100 Pesos (₱175,851.62) he had collected during his unauthorized absences.

Done in the City of Manila, this 25th day of June, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) **CORAZON C. AQUINO**
President of the Philippines

By the President:
(Sgd.) **OSCAR M. ORBOS**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 227
DIRECTING THE CONTINUED ADOPTION OF PERSONNEL REDUCTION PROGRAM

WHEREAS, personnel services cost is one of the biggest component of the National Government Budget;

WHEREAS, to trim down said personnel services cost, there is imperative need to continue the Staff Reduction Program and the redeployment of personnel initiated under Administrative Order No. 205, Series of 1991;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Adoption of Staff Reduction Program. The Staff Reduction Program and redeployment of personnel initiated under Administrative Order No. 205, Series of 1991, is hereby reiterated. For this purpose, all government offices and agencies, including state universities and colleges and government-owned or controlled corporations, as well as local government units are hereby directed and enjoined to effect the reduction and/or redeployment of authorized permanent positions by five percent (5%) by the end of June 1991 and by cumulative ten percent (10%) by the end of December 1991.

SEC. 2. Coverage. The staff reduction program shall apply to all agencies of the national government, including state universities and colleges and government-owned or controlled corporations, as well as local government units.

For purposes of this Administrative Order, the Staff Reduction Program as prescribed herein shall cover the whole department, its offices and bureaus as well as attached agencies, government-owned or controlled corporations attached to departments for policy and program coordination. They shall develop and implement their own respective staff reduction programs in accordance with the provisions of this Administrative Order.

SEC. 3. Redeployment of Positions and Personnel. Excess positions and corresponding personnel may be redeployed to manpower deficient regional offices, field units and other front line service units.

SEC. 4. Rules and Regulations. The guidelines prescribed under National Budget Circular No. 421 are hereby adopted and reiterated and shall continue to be in full force and effect. Supplementary rules and regulations as may be deemed necessary shall be issued by the Department of Budget and Management.

SEC. 5. Agency Head Responsibility. Department secretaries, agency heads and heads of local government units shall be responsible for the implementation and reporting of the agency Staff Reduction Program in accordance with the procedures and requirements of this Administrative Order.

SEC. 6. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 26th day of June, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) OSCAR M. ORBOS
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 228

**DIRECTING THE PRESIDENTIAL COMMISSION ON CULTURE AND ARTS TO TAKE
CHARGE OF THE STATE FUNERAL OF THE LATE NATIONAL ARTIST HONORATA
“ATANG” DE LA RAMA HERNANDEZ**

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, hereby direct the Presidential Commission on Culture and Arts, hereinafter referred to as the Commission, to take charge of the state funeral of the late National Artist Honorata “Atang” de la Rama Hernandez consonant with Presidential Decree No. 208 and after prior arrangements with the family of the National Artist.

All departments, bureaus, offices, agencies and instrumentalities of the Government are hereby enjoined to assist the Commission in this endeavor.

DONE in the City of Manila, this 12th day of July, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) MAGDANGAL B. ELMA
Acting Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 229
MODIFYING ADMINISTRATIVE ORDER NO. 213, SERIES OF 1991,
ENTITLED “ESTABLISHING A ONE-STOP SHOP FOR LIVELIHOOD IN EACH OF
THE ADMINISTRATIVE REGIONS OF THE COUNTRY” AND EMPOWERING THE
SUBCOMMITTEE ON LIVELIHOOD OF THE NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY TO DESIGNATE THE LEAD COORDINATING AGENCY IN
THE SAID ADMINISTRATIVE REGIONS

WHEREAS, pursuant to Administrative Order No. 213, series of 1991, Tagpuan sa Kabuhayan Centers were mandated to be established in the administrative regions in the country to coordinate various programs and projects on livelihood;

WHEREAS, to ensure the effective implementation of the said livelihood programs and projects, there is an imperative need to involve the government agencies/offices concerned;

WHEREAS, there is further need to designate a body that shall determine and designate the lead coordinating agency/office to spearhead the establishment and operation of the Kabuhayan Centers in the different administrative regions;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Tagpuan sa Kabuhayan Centers established under Administrative Order No. 213 shall henceforth be called the Kabisig Kabuhayan Information Center.

SEC. 2. The following agencies and offices are hereby tasked with the primary responsibility for the implementation of livelihood programs and projects under the Kabisig Kabuhayan Information Centers established under Administrative Order No. 213:

The Office of the President
The Department of Agriculture;
The Department of Education, Culture and Sports
The Department of Labor and Employment
The Department of Trade and Industry
The Department of Agrarian Reform
The Department of Interior and Local Government
The Department of Environment and Natural Resources; and
The Department of Social Welfare and Development

SEC. 3. The Sub-Committee on Livelihood of the National Economic and Development Authority is hereby authorized to determine and designate the lead coordinating agency/office to spearhead the establishment and operation of the Kabisig Kabuhayan Information Centers in the different administrative regions.

In administrative regions where the Sub-Committee on Livelihood has not designated the lead coordinating agency/office, the Presidential Management Staff of the Office of the President shall

temporarily spearhead the establishment and operation of the Kabisig Kabuhayan Information Centers in the said regions, until such time that an agency/office has been so duly designated.

SEC. 4. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 31st day of July, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 230

AMENDING ADMINISTRATIVE ORDER NO. 224, SERIES OF 1991, DIRECTING
THE CONTINUED ADOPTION OF CERTAIN ECONOMY MEASURES FOR FISCAL YEAR 1991

WHEREAS, the Government has adopted the policy of devolution of authority and the allocation of responsibility and accountability to enable the different Departments to perform their functions efficiently and expeditiously;

WHEREAS, the Office of the President sees the need to delegate action on requests for exemption from the provisions of subsection (c), Section 2 of Administrative Order No. 224, series of 1991;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The function of acting upon requests for exemption from the provisions of subsection (c), Section 2 of Administrative Order No. 224 relative to foreign travels of officials and employees of all national government agencies, including government-owned or controlled corporations and local government units is hereby delegated to the Department Secretaries, heads of the government-owned or controlled corporations not placed under or attached to any department and local government unit: heads, as the case may be.

It is understood that the Office of the President retains the authority to act on all requests for foreign travel of Department Secretaries, Undersecretaries, Assistant Secretaries and other officials of equivalent rank.

SEC. 2. The official authorized to grant exemption shall be held responsible for compliance with the provisions of subsection (c), Section 2 of Administrative Order No. 224 and of this issuance and shall submit to the Office of the Executive Secretary at the end of each month a report on all actions/decisions taken relative to such implementation.

SEC. 3. All other issuances on the matter subject hereof and their corresponding implementing guidelines in conflict or inconsistent with the provisions of this Administrative Order are hereby repealed and/or modified accordingly.

SEC. 4. Effectivity – This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 16th day of August, in the year of Our Lord nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 231

**AUTHORIZING THE PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT TO DISPOSE
OF RECOVERED AND/OR VOLUNTARY SURRENDERED SPECIFIC PERSONAL PROPERTIES**

WHEREAS, the Presidential Commission on Good Government has sequestered and/or recovered illegally acquired assets and properties of the leaders of the previous Administration, their relatives and close associates as well as has taken over assets and properties of the same nature voluntarily surrendered to it by the said associates;

WHEREAS, some of these illegally acquired assets and properties consist of personal properties;

WHEREAS, there exists the need to cause the disposition of these personal properties;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Presidential Commission on Good Government is hereby authorized to transfer, sell, assign or otherwise dispose of the following on such terms as are in the best interest of the National Government:

- a. Shares of stock of the California Overseas Bank; and
- b. Shares of stock turned over by Mr. Jose Y. Campos.

SEC. 2. For such purpose, the Presidential Commission on Good Government may execute and deliver, for and on behalf and in the name of the National Government, such deeds of sale, contracts and other instruments as may be necessary or appropriate to convey title to such shares of stock.

SEC. 3. All proceeds from the sale or other disposition of such shares of stock shall form part of the Agrarian Reform Fund in accordance with the provisions of Section 63 of the Comprehensive Agrarian Reform Law of 1988.

SEC. 4. The Presidential Commission on Good Government shall observe the rules and regulations of the Commission on Audit, particularly those of COA Circular No. 89-296 dated 27 January 1989, in the disposition of the shares of stock involved.

SEC. 5. The Presidential Commission on Good Government shall submit to the President a report on the disposition of the shares of stock subject hereof. Such report shall include a description of the shares of stock disposed of, the consideration received therefor and the agreed terms of payment and such other conditions related to the disposition.

SEC. 6. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 23rd day of August, in the year of our Lord nineteen hundred and-ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 232
DISMISSING FROM THE SERVICE JOHN A. EGAÑA, THIRD ASSISTANT PROVINCIAL
PROSECUTOR OF RIZAL

This refers to the administrative complaint filed by Wilson Bandiola against Third Assistant Provincial Prosecutor John A. Egaña of the Provincial Prosecutor's Office of Rizal, upon which the Secretary of Justice formally charged Mr. Egaña for Grave Misconduct.

Records reveal that at about 9:30 o'clock in the evening of November 17, 1988, complainant's brother, Wenefredo Bandiola, while crossing Shaw Boulevard, Mandaluyong, Metro Manila, was bumped by a speeding vehicle owned by respondent prosecutor, tossing the victim against the front windshield of the vehicle before the landed on the pavement unconscious. The driver sped away towards the direction of Manila, abandoning his victim. An on-coming ambulance of the Philippine Charity Sweepstakes Office stopped for the victim and brought him to the Polymedic General Hospital. Wenefredo, the victim, was later confined at UERM Memorial Medical Center, from November 18, 1988 to December 7, 1988 for treatment of cerebral concussion and contusion. A total amount of ₱35,002.95 was incurred by Wenefredo representing loss of income, medical and other expenses.

A certain Batanio Gumapi, who turned out to be a neighbor of the victim, witnessed the hit-and-run incident. Mr. Gumapi being just about a meter away from the spot of the incident and aided by the headlight of the car immediately following was able to note that the car bears plate number NET 773. Gumapi executed an affidavit on November 23, 1988 affirming his statement.

On August 1, 1989, complainant sought the assistance of the Department of Justice if only to recover medical expenses incurred for the hospitalization of his brother, stating that the witnesses to the said incident have become reluctant or even timorous to testify upon learning that the respondent is a fiscal.

When required to comment on said letter-complaint of August 1, 1989, respondent, on October 31, 1989, denied any responsibility for the injuries sustained by Wenefredo Bandiola and averred, among others, (a) that, on November 17, 1988, after the monthly meeting of prosecutors at the Provincial Capitol Building of Pasig, he joined his co-prosecutors in one of the stores located inside the Provincial Capitol Building up to 9:00 in the evening when he left alone in his car; (b) that, while stopping on traffic signal at the corner of Shaw Boulevard and Epifanio de los Santos Avenue (EDSA), three (3) unidentified men held him up at gun point, boarded and drove his car and divested him of his Seiko wrist watch worth ₱15,000.00, more or less, diamond ring valued at ₱10,000.00, necklace costing ₱3,000.00, wallet containing his driver's license and cash of ₱3,000.00, and another amount of ₱10,000.00 from his clutch bag; (c) that, because of his persistent pleas, he was allowed to go by the robbers and was dropped at an unlighted spot near the Manuela Shopping Complex on Shaw Boulevard, the trio proceeding in his car towards the direction of Manila; (d) that, still shocked by the experience, he nervously hailed a taxicab, went home and, after relating the incident to his wife, proceeded to the Mandaluyong Police Station to report the incident, apprehensive that his car might be used by the three (3) robbers in the commission of another crime; (e) that the following

morning (November 18, 1988), he passed by the Mandaluyong Police Station to verify the status of his complaint, and was informed that his car was involved in a traffic accident and was held in the impounding lot of the police station; (f) that, after obtaining clearance for its release, he was allowed to tow his car, as the car would not start; and (g) that he was not drunk and had no wound on the night of the incident, otherwise such fact would have been reflected in the police blotter of the Mandaluyong Police Station.

After evaluation of the complaint, the Secretary of Justice on May 29, 1990, found a prima facie case for Grave Misconduct against respondent and placed him under preventive suspension for ninety (90) days pending formal investigation of the charge to be conducted by State Prosecutor Theodore M. Villanueva.

On June 13, 1990, respondent wrote State Prosecutor Villanueva requesting that the letter-complaint of Mr. Wilson Bandiola be subscribed to by him pursuant to the provision of Paragraph 2, Section 32, Article VII of the Civil Service Act, as amended.

On even date, respondent likewise sent a letter to the Secretary of Justice seeking reconsideration of the latter's finding of prima facie case against him for Grave Misconduct.

In said motion, respondent alleged that complainant's evidences are plain hearsay and without evidentiary value, coming as they did from third parties (the cigarette vendor and the police investigator) who did not execute affidavits for the purpose.

In his Memorandum for me dated February 5, 1991, the Secretary of Justice, finds respondent's motion to be unimpressed with merit, upon the following observations:

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“The complaint not being under oath is a formal defect not fatal to the pursuit of this administrative matter. Such defect has been cured and remedied by the supporting affidavits of the victim himself and the witness, Batanio Gumapi, which were subscribed and sworn to respectively before a notary public and the investigating State Prosecutor. We stress at this point that an administrative investigation is not bound by the rigidity of technical rules of legal evidence. These proceedings serve as an inquiry into circumstances surrounding a certain set of facts and upon which an order may be issued. The quantum of evidence herein required is substantial evidence supportive of a proposition,”

After going over the records of the case, I fully agree with the conclusion of the Secretary of Justice.

The carjacking tale put-up by respondent is belied by the facts on record, **any one of which points at him** as the one driving the car involved in the incident at the time the incident happened. Firstly, the eye witness account of Batanio Gumapi of the incident as happening at about 9:25 in the evening of Thursday, November 17, 1988, along Shaw Boulevard near the corner of EDSA, Mandaluyong Rizal, involving a car bearing plate No. NET-773 travelling towards Manila. Secondly, the Spot Report of the Mandaluyong Police Traffic Station No. 5 recording the same incident witnessed by Gumapi, coinciding in all material details excepting a 3-minute variance as to the time when the incident happened, and the failure of the report to record the letters on the car plate. Thirdly, the incredibility of respondent's own account that he left the Provincial Capitol Building of Pasig at about 9:00 o'clock in the evening and made it to the Mandaluyong Police Station at, as recorded in the police blotter presented as his own exhibit, 10:00 o'clock in the evening to report his version of the incident, given the myriad details of his episode that he was held up by 3 robbers at the intersection of Shaw Boulevard and EDSA while

stopping on traffic signal; then forced to yield the driver's seat at gun point and divested of his watch, jewelry and cash; then dropped past Manuela Shopping Complex on Shaw Boulevard ; then, even as he was shocked by the experience, he nonetheless nervously managed to hail a taxicab for home to No. 929 Samar St., Sampaloc, Manila; then asked his wife for his taxi fare; then narrated to his wife his experience; and, finally, he asked for some money and went to the Mandaluyong Police Station, altogether taking up barely one hour of his time, even 30 minutes reckoned by the time recorded in the Spot Report of the police. In fine, from the time respondent left the premises of the Provincial Capitol Building of Pasig and up to that point along Shaw Boulevard in Mandaluyong past near the scene of the incident where his car stopped and ceased to function, all along he was driving his red sedan car bearing plate number NET 773, the vehicle that hit the victim, Wenefredo Bandiola, causing the latter physical injuries.

In abandoning his victim Wenefredo Bandiola, instead of coming to his immediate succor, knowing fully well the gravity of the injuries he had inflicted, respondent had evinced a low character unbefitting of a man of his official stature. For this act alone, respondent ought to be highly censured.

Respondent's **predicament was compounded** by his willful perversion of the truth when he concocted the carnapping scenario in his bid to exculpate himself from legal responsibility. As a prosecutor sworn to uphold the law, respondent, in the fulfillment of his duties, cannot by all means constitute himself as an exception, for that would be making a mockery of the law, not to mention a travesty of justice. For so acting in the manner he did, respondent has certainly become a blot on the prosecution service's escutcheon and, hence, does not deserve to be retained any further thereat.

There is, therefore, force and cogency to the Secretary of Justice's observation that:

“Respondent's perversion of the truth, abandonment of a person whom he had injured, and avoidance of legal responsibility makes him unfit to uphold the faith and honesty demanded of public servants.”

WHEREFORE, and as recommended by the Secretary of Justice, Third Assistant Provincial Prosecutor John A. Egana of the Province of Rizal is hereby found guilty of Grave Misconduct and **DISMISSED** from the service, with forfeiture of benefits, effective upon receipt hereof.

Done in the City of Manila, this 26th day of August, in the year of Our Lord, nineteen hundred and ninety one.

(Sgd.) **CORAZON C. AQUINO**

By the President:

(Sgd.) **MARIANO SARMIENTO II**

Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 233
IMPOSING ON DR. VENANCIO G. GARAGAN, PRESIDENT, WEST VISAYAS STATE
UNIVERSITY (WVSU), ILOILO CITY, THE PENALTY OF SIX (6) MONTHS SUSPENSION
FROM THE SERVICE

I. This refers to two (2) consolidated administrative complaints filed by Messrs. Dan Garganera, et al. and Manuel J. Posecion, et al. against Dr. Venancio G. Garagan, President, West Visayas State University (WVSU), Iloilo City, for alleged dishonesty, mismanagement, harassment of faculty members, conduct unbecoming a university President, oppression, incompetence, and insubordination.

II. A. The complaint of Mr. Dan Garganera, et al.

In a letter-petition, with enclosures, dated September 4, 1989, Mr. Dan Anthony Garganera, et al., requested that the respondent be investigated, and thereafter be preventively suspended and removed from office. The accompanying "Petition" listed thirty-seven (37) specifications, as follows:

- "1. Illegal cutting and pruning of trees inside the campus without permit from the DENR; felled trees were unaccounted for; the lumber allegedly found in his hometown.
- "2. Gift solicitation from the suppliers of the University. (Annex 1 and 2) (sic)
- "3. Falsification of documents, listing himself as the 33rd supplier of the University in the list of 32 suppliers to be paid. (Annex 3)
- "4. Juggling of funds, in which furnitures for the Office of Extension bought from JJT Woodcraft was paid from the money of the Office of Research. (Annex 4)
- "5. Mishandling of funds, in which the budget for two casuals in the Graduate Studies amounted to ₱1,767,256.54.
- "6. Extortion of 25% in cash or in kind of the produce of the residents in the WVSU_CAF Lambunao campus and without official receipt.
- "7. Receiving cheques from our suppliers with his name in it instead of the University.
- "8. Subtraction from the amount collected and cash prize of WVSU's bet in the Ms. RANCE '89 pageant.
- "9. Alleged 10 cases of softdrinks from Coca Cola Bottlers Co. delivered to his hometown Guimbal and Oton every month.
- "10. Rendition of overtime pay to personnel not requiring it and failure to submit his clearance and certification of leave credits for his first salary. (Annex 5)

- “11. Unaccounted amount of ₱10,000 used by him allegedly for medical books last February 1988 in which the books have not been delivered until now. (Annex 6)
- “12. An amount of ₱71,200 not entered in the Books of Accounts of the University of Southern Mindanao, alterations in the quotation and absence of receipts in major equipment purchases. (Annex 7)
- “13. Implicated in the illegal sale of lumber confiscated by DENR.
- “14. Delay in the release of our teacher’s summer honoraria, given only by July 11 and without approval of DBM. (Annex 8)
- “15. Delay in the release of NCC 33 salary differentials of 1987 and 1988. (Annex 8)
- “16. Hiring of teachers paid on daily basis, although with their consent, instead of monthly.
- “17. Unfair promotion of personnel, wherein new ones were promoted ahead of the older ones; and ineligible while neglecting those with eligibility and experience.
- “18. Engineers and architects were appointed as instructors and paid monthly instead of as contractual. (Annex 9)
- “19. A clerk in his office appointed as an Instructor V.
- “20. Salaries of laborers at Lambunao campus since June are unpaid until now.
- “21. Slow and inadequate action on the complaints of students until mass actions were held. (Annex 10)
- “22. Passing a memorandum altering the Teacher Education Grant without resolution by the Board of Regents and deliberations by the Academic Council. (Annex 11)
- “23. Sudden transfer of CAF students to Lambunao breaching Task Force Integration guidelines specifying it to 1991.
- “24. Unfair selection of the Dean for the College of Medicine and violating the agreement with them last year.
- “25. Unfair selection of the Director of Instruction wherein the guidelines were altered without the knowledge of the Academic Council. (Annex 12)
- “26. Alleged manipulations in the screening for the Vice-President in Administration with two complaints pending now. (Annex 13)
- “27. Coercion of a faculty member to execute an affidavit against another. (Annex 14 and 15) (sic)
- “28. Harassing faculty members; raising charges against three of them without sufficient evidence or clarifying matters first.
- “29. Threats to subordinates and using security guards in work not specified in their job.
- “30. Disregarding COA memos to enlarge the name of the University in the presidential car and place an insignia in it.
- “31. Utilizing University services for personal interests such as the HE for his wife’s clothes and a secretary to cook for him and his family.

- “32. Reverting non-masteral degree faculty members to temporary status despite CSC permanence, eligibility and length of experience. (Annex 16)
- “33. Threatening to close the Laboratory School if the PTA disagree with having it turned over to a foundation.
- “34. Procrastinating deliberations on the autonomy of the College of Medicine and meddling in [its] affairs.
- “35. His conduct unbecoming of a President by using belligerent language and uncouth words and an arrogant attitude.
- “36. Dishonesty and mismanagement.
- “37. Incompetence and inefficiency in solving complaints and discharging his duties as President.”

III. B. The complaint of Dr. Manuel Posecion, et al.

A faculty member of the WVSU, complainant Dr. Manuel Posecion and others filed an amended complaint dated March 17, 1988 against respondent for:

1. OPPRESSION

- a. Respondent allegedly converted the University hospital into a lucrative lending, financing and quasi-banking institution by disallowing the discharge of patients in the WVSU Hospital without the patients paying in full their accounts although credits may be granted on a case-to-case basis subject to appreciable collateral/deposit.
- b. Respondent allegedly issued a series of memoranda threatening the (a) expulsion of two (2) medical and other junior interns, (b) administrative sanctions to protesting faculty and students and (c) non-graduation and the taking of comprehensive examination for medical interns.

2. INCOMPETENCE

- a. While complainants allege that respondent is vested with the discretion to appoint the Director of the University Hospital, his right is not absolute, considering the protest thereon of the faculty, staff and students of the College of Medicine. The complainants suggest that the respondent should have given due process to the protest.
- b. It is further averred that through the respondent's sheer callousness to the needs and demands of the faculty, students and staff, the conflict between them has intensified which could have been averted.
- c. On this charge, it is finally alleged that due to his limited social perspective, respondent allegedly had the impression that the University Hospital was established purely for business and profit, thereby contradicting in the process its primary purpose, which is to train and produce competent doctors and nurses to serve the public.

3. DISHONESTY INSUBORDINATION AND INCOMPETENCE

- a. Respondent reportedly failed to appoint any of the three nominees of the medical faculty to the positions of the Dean of the College of Medicine and Director of the University Hospital, but instead designated one Dr. Samuel Fajutras as Director, an act which was vehemently opposed by the faculty, staff and students. The implementation of the compromise arrived at to have

- a three-man committee administer the University Hospital was allegedly deliberately delayed by the respondent to the extent of making it appear that one of the members of the committee, Dr. Myrna Abello, was in Antique.
- b. The complainants allege that the respondent made it appear that a certain Rosemarie Piamonte was harassed on her way to the University Hospital, a claim denied by Piamonte.
 - c. The respondent appointed Engineer Jose Mariano Genciana and Architect Alfredo Gaticales, Jr. as laboratory school instructors without teaching loads to circumvent the lack of plantilla positions of Architect and Engineer.
 - d. Complainants aver that respondent had assessed and charged students of the College of Nursing of Related Learning Experience (RLE) fees without prior approval of the WVSU BOR.
 - e. Respondent allegedly did not comply with the agreement for the dropping of all charges.
 - f. Respondent, moreover, defied the directive of the DECS Secretary for him to file his leave of absence and continued to exercise his functions as WVSU President by issuing a memorandum dated March 10, 1988, advising the college cashier not to pay the salaries of the faculty in the College of Medicine.
 - g. Sometime in January, 1988, respondent, in disregard of auditing procedures, allegedly ordered the release of cash incentives to all employees without approval of the BOR, subject to refund, should the Department of Budget and Management not approve the same.
 - h. Dr. Ernesto Rivera was allegedly appointed by respondent as Surgery Consultant, when he is not a member of the University consultative staff, WVSU Hospital, and which appointment was made without consultation with the WVSU Hospital Department of Surgery. The complainants also aver that incompetence was shown by respondent's promise to the resident physicians of their promotion to professorships, when such promotions could only be promotions as consultants. Respondent is being charged, moreover, of not observing the Civil Service rules and regulations in appointing to sensitive positions unqualified applicants.

4. CONDUCT UNBECOMING A PRESIDENT OF THE WVSU

Respondent allegedly uttered scurrilous and libelous language in formal gatherings of professionals, students and faculty members.

On September 22, 1989, my Office, after evaluating and studying the above-administrative charges, found that a prima facie case exists against respondent. Consequently, he was directed to answer the charges and was preventively suspended for ninety (90) days pending investigation of the same. On even date, my Office directed the Secretary of Education, Culture and Sports to investigate the administrative charges against respondent or for her to create a committee to undertake the investigation, submitting thereafter to me her or the committee's findings and recommendation.

Meanwhile, as required, respondent submitted his formal Answers to the two (2) consolidated complaints of Messrs. Garganera and Posecion, et. al.

IV. A. Respondent's Answer to the complaint of Mr. Dan Garganera, et. al.

The Answer of the respondent to this complaint contained the following:

1. The charge on the cutting and selling of lumber has been investigated and resolved by the DENR which exonerated respondent.
2. The alleged solicited gifts were actually donations to the University and not to him (respondent).
3. Respondent never included his name as a supplier in the schedule of accounts payable. His claim which appears therein refers to his honoraria as Hospital Administrator, which was prepared by the Supply Officer and the University Accountant.
4. The alleged juggling of funds stemmed from an error in the designation of the source of funding.
5. The amount of ₱1,767,256.54 was intended for 115, not merely 2, casuals employed in the university; this amount covered a specific period.
6. The proceeds of the alleged extortion were turned over to the University Cashier.
7. The charge of receiving checks in the respondent's name from University suppliers was denied; assuming the truth thereof, however, the respondent did not misappropriate the amounts represented by the checks.
8. On the allegation that he subtracted from the amount collected and the cash prize of the WVSU's bet in the Miss Range '89 pageant, the respondent referred to the records, Annex "5" and "5-a" of the Answer, pointing to an amount of ₱1,900.00 necessary to close the amount of ₱15,592.75 on the actual receipt of only ₱13,622.75, and another amount of ₱2,000.00 deposited with the University Cashier.
9. He never caused the delivery of softdrinks to his hometown.
10. Respondent had nothing to do with the claim of one Noel Gaban for overtime pay, the claim having been given due course by the administrative and financial units of the University; the submission of his certificates of transfer, clearance and certificate of leave credits was merely delayed.
11. Respondent admits having received the cash advance of ₱10,000 for the purchase of xerox copies of medical books for the College of Medicine but upon discovery that the xerox copies were pirated editions coming from Taiwan, he aborted the purchase and returned the ₱10,000.00 he advanced to the cashier of the University as shown by Official Receipt No. 0810346 dated September 20, 1989.
12. As to the amount of ₱71,200.00 allegedly not entered in the books of account of the University of Southern Mindanao, respondent explained that he was eventually given a clearance with notation.
13. The allegation that he instructed the security guard assigned in the College of Agriculture and Forestry (CAF) to sell confiscated lumber was denied by respondent thru the affidavits of a certain Pantaleon Blandres and Yen Suprecencia as well as the Committee Report dated October 26, 1989.

14. Respondent had the payment of the faculty processed but the delay was due to changes in the budgetary procedure in the DBM; the honoraria were, however, eventually paid.
 15. Respondent contends that the delay in the payment of the NCC Salary differentials was not due to his acts or omissions but because of a provision in NCC 33 to the effect that payment of differentials should be based on savings of Personnel Service Function for the fiscal year and since there were no savings at the time, payment was not made.
 16. The hiring of additional teachers was due to increase in enrollment in the College of Arts and Sciences and since there were no plantilla items given, the DBM allowed the employment of instructors on a daily basis as shown in Annex "12" of his Answer.
 17. Respondent denied having anything to do with the promotions of faculty members, the same being incumbent on the NCC 33 Evaluation Committee and the Committee on Review. Respondent's participation therein was merely in the authentication of the promotions. As to the non-teaching personnel, the procedures of the Civil Service were followed.
 18. Respondent justified the hiring of an Architect and Engineer as there were available instructor positions.
 19. The Instructor V alluded to as performing clerical work in respondent's office was denied. The Clerk, Ms. Lea Lebrilla, was a member of the academic staff.
 20. Respondent denied, likewise, that he was the cause of the delay in the payment of salaries of the laborers in the Lambunao campus. The responsibility should be borne by the Dean of the College of Agriculture and Forestry for not checking the requirements for the release of such salaries.
 21. On the matter of the Teacher Education Grant (TEG), the alterations consisting in the reduction of the grade point average for the maintenance of the scholarship as well as the increase in stipends were approved by the WVSU Board of Regents (BOR); approved by the WVSU BOR likewise were the subsequent decrease of the stipends for the second, third or fourth year TEG's and the phasing-out thereof by December 31, 1989.
 22. The WVSU BOR approved the integration of the College of Agriculture in the main campus to the Lambunao campus as it was difficult and expensive to maintain two campuses,
 23. Respondent asserts that the designation of the Dean of the College of Medicine was based on the recommendation of the Ad Hoc Committee which then forwarded its recommendation to the DECS Secretary, who in turn caused the same to be effected by the WVSU BOR. He denies having violated any agreement with the protesting faculty of the College of Medicine.
 24. Respondent added that he recommended for designation as Director of Instruction one whom he believed possesses all the qualifications and potentials therefore but that his nomination was not given due course.
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Instead the WVSU BOR created a committee to provide qualification standards for the nomination of Director of Instruction.

25. The appointment of Avelino Paderna as Vice President for Administration was made pursuant to the recommendation of the Selection Board which based the same on the criteria provided by the Civil Service Commission.
26. Respondent denied having coerced anybody to execute an affidavit against anyone. Respondent advances that the reason the affiant, Dr. Andresito Millamena, turned against him was respondent's act in asking the affiant to explain his (affiant's) alleged involvement in the barter of carabaos.
27. The charge of harassment was denied, respondent maintaining that the charge was filed against three faculty members only after their explanations proved to be unsatisfactory.
28. Respondent avers compliance with the alleged violation regarding markings on the official car of the WVSU President.
29. Respondent denies utilizing University services for personal needs, attaching affidavits contradicting allegations that University personnel sewed the dresses of respondent's wife and cooked for the respondent and his wife.
30. As to the charge of threatening to close the laboratory school, respondent maintains that if the school referred to was in SEAFDEC, such had been turned over to a foundation.
31. Anent the alleged encroachment of respondent in the autonomous governance of the College of Medicine, respondent contends that the directive issued by the DECS Secretary was couched in general terms which required the issuance of guidelines by the BOR which have not as yet been finalized and that the demands of the faculty were beyond his power and authority. Respondent likewise entered a general denial as to the other charges.

B. Respondent's Answer to the complaint of Dr. Manuel Posecion et. al.

His answer contained these averments:

1. On Oppression

- a. Respondent denies this allegation as having no basis because he has never harassed and/or oppressed complainants in any manner. The acts alluded to as constituting oppression are acts within his prerogative and authority as WVSU President.
- b. The memorandum issued by respondent with respect to patients in the hospital was intended to protect the finances of the University. Respondent contends that at the end of 1987, the University Hospital had receivables of more than ₱3 million while its accounts payable were more than ₱2.6 million.
- c. Respondent adds that it is his prerogative as head of the University to cause the investigation of students for misconduct and conduct prejudicial to the best interest of the hospital. The memorandum issued by him was not a threat but a proper exercise of the prerogative to inculcate discipline and proper decorum in the premises.

All the memoranda are clear manifestations of respondent's desire to protect the school against the unwarranted and illegal acts of complainants. Respondent concludes that the purpose of the charges is to harass and embarrass his administration and ultimately relieve him as University President.

2. On Incompetence

- a. The matter of the designation of an OIC in the College of Medicine of the University Hospital goes with his position as President; that he cannot allow others to dictate to him how to exercise said authority, otherwise he would be violating the trust vested in him by his appointment as WVSU President and that such authority is not subject to review or approval by the faculty.
- b. The intention of respondent's memorandum (Annex "D") as viewed from its contents is the survival of the University Hospital which, according to respondent, is in a quagmire of debts and that unless remedial measures are taken, the same may be lost to the prejudice of the University, the medical students and the public served by it.

3. On Dishonesty and Insubordination

- a. Respondent's request for nominees to the position of Director of the University Hospital was actually a form of consultation with the faculty; that the faculty's recommendation does not bind him; that Dr. Fajutrao is more qualified as OIC of the University Hospital and complainants' nominee, Dr. Manila, was already holding the position of Dean of the College of Medicine and to give him more work would be to lessen his effectiveness as Dean.
 - b. Respondent denies the delay in the implementation of the creation of the three-man committee, attributing it to the difficulty in securing clearance to allow Dr. Rivera to serve in the committee.
 - c. As to the affidavit of Piamonte, respondent dismisses it as "[o]f no moment for it does not have any bearing in the question involved."
 - d. Respondent justifies his appointments of Architect Gaticales and Engineer Genciana as in line with the scheme to provide an in-house capability for planning, designing and supervising construction of infrastructure in the University without having to depend on the Department of Public Works and Highways in order to prevent delay. According to respondent, this is practiced by state colleges and universities where architects and engineers are hired but given token teaching loads, save if the volume of work is great where no teaching load is assigned.
 - e. The alleged assessment of Regional Learning Centers (RLC) fees is in accordance with and authorized by the DECS, respondent alleges.
 - f. Respondent avers the absence of mutual reciprocation in the withdrawal of cases filed by the parties as the reason why he did not withdraw his cases filed against some complainants.
 - g. The directive of the DECS Secretary that he go on leave of absence was, according to respondent, changed on March 3, 1988. Instead of going on leave, respondent, with the consent of the WVSU BOR, may continue exercising his functions and duties in Manila until April 3, 1988; that upon his return, the arrangement was for Mr. Nieves, the
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designated University OIC, to be immediately relieved in accordance with administrative procedure.

- h. WVSU merely followed the practice of the release of medical incentives; when this was declared void, the practice was discontinued and the amounts received ordered reimbursed/refunded.
- i. The designation of Dr. Ernesto Rivera to the consultative staff was a consequence of the designation of Dr. Abello to the position of OIC Director of the University Hospital. However, when Dr. Abello declined his designation, respondent designated instead Dr. Rivera who had all the qualifications for the position of Director of the Hospital. This was later on confirmed by the BOR which granted him honoraria for his services until he was relieved in October, 1988.

On the matter of the appointment of Mr. Pantaleon Belandres it is stated that this was as a result of the Selection Board's screening. Although Belandres was number two, he was appointed, as the appointment was within the respondent's prerogative.

- j. With respect to the charge of conduct unbecoming a University President, respondent specifically denies the same as gratuitous opinions without evidence to substantiate the charge.

The records also show that aside from the above complaints, a letter-petition dated September 8, 1989, with annexes, was filed by Dr. Jesus L. Nieves, et al., against herein respondent praying for the respondent's investigation, preventive suspension, and dismissal. The charges against the respondent in this complaint are grouped under four main headings: dishonesty and other graft and corrupt practices, mismanagement, harassment of faculty, and conduct unbecoming a University President.

In a letter to Atty. Nellie N. Tansico, Legal Division, DECS, dated January 30, 1990, Atty. Norberto J. Posecion, who acted as notary in the September 8, 1989, letter-petition, stated:

"May I also bring to your attention that another complaint dated September 8, 1989 was filed by Mrs. Nola Hibionada, Jesus Nieves and many others also against VENANCIO GARAGAN x x x

Incidentally, a reading of the complaint/petition in the Garganera, et al. vs Garagan case would readily show that the charges thereon are also alleged in the Hibionada, Nieves, et al. vs Venancio Garagan case. x x x"

Pursuant to the memorandum of my Office dated September 22, 1989, the DECS Secretary created a committee to investigate the charges against respondent. After hearing the DECS Investigating Committee (Committee for brevity) submitted its Consolidated Investigation Report dated March 10, 1991 to the DECS Secretary.

Based on the report, out of the consolidated thirty-nine (39) charges against respondent, twelve (12) were voluntarily withdrawn by the complainants thru their counsel. Consequently, twenty seven (27) charges were heard by the Committee and after a careful study of the facts and circumstances of the case, including the evaluation of both documentary and testimonial evidence presented, the Committee found respondent guilty of the charges of (1) abuse of authority in (a) the solicitation of gifts from suppliers for the College of Medicine; (b) the turning over of the Commission for Miss Range '89 to the association of non-teaching personnel and (c) misrepresentation in the Memorandum

he issued by making it appear that there was a WVSU BOR resolution reversing the rules pertaining to Teacher Education Grantees, when in fact there was no such resolution; and (2) conduct unbecoming a University President for using uncouth words and insulting language and for not honoring his commitments. In this Report, falsification of documents appears twice - as count 3 and as count 18.

However, the Committee absolved respondent of the other charges contending that the same were not proven or justified under the circumstances, or fell under the administrative disciplinary authority or prerogative of the respondent. The Committee recommended the penalty of suspension for one (1) year.

Subsequently, upon referral to the DECS Secretary, the latter adopted and agreed with the findings of the Committee and recommended that respondent be suspended for one (1) year but added that, inasmuch as the respondent has reached the retirable age of 63, he be directed to retire from the service to promote peace and order within the University community.

After a careful study and review of the records of this case, including the documentary evidence presented by the parties, I fully concur with the findings of the DECS Secretary and am convinced that indeed respondent is guilty of the charges he was found to have committed.

Examining the records, respondent failed to overcome the charge that he made gift solicitations from suppliers to equip the University Medical/Dental Clinic and the University Central Laboratory. While the intentions of respondent may be noble and laudable, that is for the improvement and well-being of the facilities of the University, the means resorted to were undeserving of a public official like respondent. The fact that respondent, in his letter of January 9, 1989, informed the various suppliers that he was able to secure funding for the payment of their unbooked accounts, and in exchange or reward therefore, he requested that said suppliers donate something in kind or in cash to the clinic and laboratory of the university, is unsurmountable proof that, indeed, respondent is guilty of misconduct. His letter of January 9, 1989, the contents of which respondent does not deny, speaks for itself herein.

I also observed that respondent had misled the WVSU College of Education, specifically the Teachers Education Grantees (TEG), into believing that a WVSU BOR resolution was issued as of June 6, 1989, revising the rules pertaining to the grantees. In his memorandum to the Dean of the College of Education dated June 6, 1989, respondent took it upon himself to assume that a BOR resolution was then in effect and existing when the truth of the matter was that there was no such resolution. The resultant effect was that the grantees failed to receive their monthly stipend of ₱400.00 for the semester of school year 1989-90 allegedly for lack of funds.

Upon close scrutiny of the records, it is also clear that respondent allowed WVSU school funds to be used for its candidate in the canvassing of the Miss Range '89 pageant, with the understanding that the same be refunded. After deducting the said amount which was deposited with the Cashier of the University, respondent directed that the amount be turned over to the University Employees Association for proper disposition without giving a share to the WVSU bet. This, again, I consider as a clear case of abuse of authority amounting to misconduct on the part of respondent. I agree with the Committee's findings that, although respondent did not benefit from the proceeds, his act of not giving a share to the Miss Range '89 candidate of WVSU amounted to abuse of his authority.

The finding of the Committee for conduct unbecoming a university president by using uncouth words and insulting language and for not honoring his commitments is equally justified. Respondent, being a head of an institution of learning, like the WVSU, should have exercised more prudence and restraint in his dealings with his constituents in the university. Uncalled for utterances which ultimately will reflect on his personality and leadership should have been avoided by respondent in the first place.

I have not closed my eyes, however, to respondent's more than thirty-three (33) years in the government service; the fact that this is his first offense; and that he has no derogatory or criminal

record. His actuations, to be sure, have not entirely blemished his integrity as President of the University. Nevertheless, let it be understood that when an officer or employee is disciplined, the object is not so much as to punish him; rather, it is to improve public service and preserve the people's faith and confidence in their government.

Culpable as he is of misconduct and conduct unbecoming a University President, he has to face the consequences of his acts. However, with the aforementioned mitigating factors which I appreciate in his favor, a greater degree of leniency is in order. Upon these premises, I consider the penalty of six (6) months suspension from office as appropriate.

WHEREFORE, Dr. VENACIO G. GARAGAN, President of the West Visayas State University (WVSU), Iloilo City, is hereby found GUILTY of misconduct and conduct unbecoming a university President as charged and is hereby meted the penalty of six (6) months SUSPENSION from office, effective upon receipt of a copy hereof.

SO ORDERED.

Manila, Philippines, September 2, 1991

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 234
SUSPENDING ROBERTO ROCHA, REGISTER OF DEEDS OF SURIGAO DEL NORTE

This is an administrative case against Atty. Roberto Rocha, Register of Deeds of Surigao del Norte, for grave misconduct.

The case was initiated by a record clerk of the Registry of Deeds of Surigao del Norte, who filed a letter-complaint, dated November 19, 1987, with the Department of Justice against Atty. Rocha for alleged irregularities in office. Acting thereon, the Justice Department referred the complaint to the National Land Titles and Deeds Registration Administration (NLTDRA) for appropriate action. Whereupon, NLTDRA Administrator Teodoro G. Bonifacio directed Atty. Benjamin A. Flestado, Chief of NLTDRA's Inspection and Investigation Division, to conduct a fact-finding investigation thereon.

Thereafter, Atty. Flestado submitted his investigation report dated February 26, 1988, thereunder recommending that Atty. Rocha be charged administratively.

In a letter of March 14, 1988, the NLTDRA Administrator charged Atty. Rocha with grave misconduct upon the following specifications: (a) On April 15, 1987, Atty. Rocha motu proprio issued a second owner's duplicate of Transfer Certificate of Title (TCT) No. T-3872 in the name of one Ricardo C. Geotina in lieu of an old one, portions of which had "been eaten by termites and with torn edges", in violation of Section 109 of the Property Registration Decree (PD 1529) which requires a petition to be filed in court for such issuance; (b) he registered on May 20, 1987 a Deed of Exchange executed on September 21, 1984, by and between the Development Bank of the Philippines (DBP) and the spouses Raul del Castillo Jr. and Consuelo Egay-Castillo, resulting in the cancellation of TCT Nos. T-5993 and T-6118 and the issuance in lieu thereof of TCT Nos. T-8098 and T-8099, respectively, without proof of payment of, or exemption from, capital gains tax as required by NLTDRA Circular No. 1 dated November 11, 1981; and (c) he registered on June 2, 1987 a Deed of Assignment he himself executed on May 27, 1987 in favor of his minor children, resulting in the cancellation of Original Certificate of Title (OCT) No. 5336 and TCT No. 4684, and, in lieu thereof, the issuance of TCT Nos. T-1231 and T-8112, respectively, wherein said children were made to appear as being of legal age.

In his sworn answer, dated March 24, 1988, respondent admitted issuing, without a court directive, a second duplicate of TCT No. T-3872 as a replacement of the certificate of title which was intact, but whose "edges were eaten by termites and appeared mutilated". He asserted, however, that such issuance is not violative of Section 109 of PD 1529, which requires the aforesaid court directive only when a TCT sought to be replaced is lost or destroyed, a fact not obtaining in the case.

With regard to the DBP's Deed of Exchange which he allowed to be registered without proof of payment of, or exemption from, capital gains tax, respondent cited the opinion of the Regional Director of Revenue Region No. 10-B, embodied in a letter dated May 22, 1987, that "no capital gain was realized in the exchange xxx".

Anent the discrepancy between the entries as to the ages of his children appearing in the aforementioned Deed of Assignment and TCT Nos. T-1231 and T-8112, respondent, in his letter to the

NLTDR dated February 1, 1988, explained that it was the entry typist (Ms. Echin) who committed the error and that he intended to correct what he regarded as an “honest mistake” at some later date.

As requested by respondent, NLTDR conducted a formal investigation, after which the investigator-designate (Atty. Flestado) submitted his report, dated September 5, 1988. In that report, Atty. Flestado recommended that respondent be adjudged guilty of the charge and be meted the penalty of six (6) months suspension from office and sternly warned. In a paper of October 5, 1988 to the NLTDR Administrator denominated as “Comment”, however, Atty. Flestado stated: “I respectfully concede that the proper imposable penalty for respondent is suspension for one (1) year.” The NLTDR Administrator, in his letter of November 3, 1988 to the Secretary of Justice, recommended the penalty of one (1) year suspension and stern warning. In turn, then Secretary of Justice Sedfrey A. Ordonez, in his letter-report to me dated September 19, 1989, likewise recommended a penalty of one (1) year suspension with stern warning, observing:

“The claim by respondent Rocha that, in issuing the second owner’s duplicate of TCT No. T-3872, he merely renewed the ‘intact and extant’ certificate with edges eaten by termites and which ‘appeared mutilated’ cannot be given consideration. The renewal he invokes resulted in the replacement of the certificate of title involved. Such replacement should have been effected in accordance with the provisions of Section 109.

“ In addition, it must be observed that the second owner’s duplicate certificate respondent Rocha caused to be issued contains no annotation or memorandum relative to its being a replacement. Furthermore, his signing of the second owner’s duplicate certificate of title which bears the date ‘1st day of April in the year nineteen hundred and seventy-six’ as the entry date gives rise to the impression that he issued the same on the said date, when, as a matter of fact, Atty. Luis Calderon, Jr., as then Register of Deeds of Surigao del Norte, issued and signed the original certificate involved and the duplicate thereof.

“ In connection with the registration of the Deed of Exchange between the DBP and the spouses del Castillo even without proof of payment of or exemption from the capital gains tax, such registration was effected without compliance with the requirement of NLTDR Circular No. 1 dated 11 November 1981 which directs Registers of Deeds to, among others, ‘[r]egister transfers of real property subject to the Capital Gains Tax xxx or those exempt therefrom only upon presentation of the required Certificate of Clearance or Exemption issued by the authorized BIR officials.’

“ It must be noted that, although respondent Rocha allowed the registration on 20 May 1987 of the Deed of Exchange, he still sought the opinion of the Regional Director of Revenue Region No. 10-B on the matter. However, he misread the letter dated 22 May 1987 of the said Regional Director xxx He overlooked the statement of the Regional Director in the said letter that the parties to the exchange should “file a sworn declaration xxx stating the reason for the exemption from capital gains tax and said sworn statement shall constitute a valid application for the issuance of the required certification for registration of the Deed of Exchange with the Register of Deeds.

“ Anent the discrepancy between the entries as to the ages of his children appearing in the Deed of Assignment and TCT Nos. T-1231 and T-8112,

respondent Rocha, on the one hand, insists that xxx the mistake in the certificates involved cannot be imputed to him. On the other hand, Ms. Echin, who typed the entries in TCT Nos. T-1231 and T-8112, testified that respondent Rocha instructed her to indicate in the said certificates that the said children were both of 'legal age'.

"On the matter, there seems to be no reason for respondent Rocha to wilfully cause the misrepresentation as to the ages of the children in TCT Nos. T-1231 and T-8112, for the said information could be easily verified from the Deed of Assignment which had been entered, recorded and retained by the Registry.

"This notwithstanding, the circumstance that respondent Rocha signed the certificates, despite the aforementioned discrepancy, does not speak well of his attention to his duties. x x x Rather than act immediately on the discrepancy, he sought to correct the same only on 3 February 1988 when he filed the appropriate action with the Regional Trial Court at Surigao del Norte. It must be observed that at this time, the fact-finding investigation on the allegations in the 19 November 1987 letter of Mr. Dubduban had already been ongoing.

"All told, we believe that respondent Rocha may be justly held liable for grave misconduct. However, the following circumstances may be considered in the determination of the appropriate penalty:

"(1) This administrative case constitutes the first administrative offense committed by respondent Rocha; and

"(2) His actuations were not tainted with bad faith, evidence thereof being absent. Such actuations proceeded more from his unfamiliarity with all the pertinent provisions of existing laws, rules and regulations applicable to the transactions involved, as he has been in the service for only less than ten (10) months at the time the acts complained of occurred."

The observations and the recommendation of the Secretary of Justice are well taken. I wish to add that the issuance of land titles and the transcription thereof in the Registration Book are among the main duties of a Register of Deeds. They ought to be performed along statutory lines and procedures as property rights are affected thereby. Respondent violated statutory prescription when he issued a certificate of title in replacement of TCT No. T-3872 without a court order and without as much as annotating thereon that it is a replacement. In net effect, two (2) separate certificates of title cover one and the same parcel of land. The possibility of fraud under this situation cannot be overlooked.

As in the issuance of the aforementioned TCT No. T-3872, respondent issued TCT Nos. 8098 and T-8099 oblivious of legal requirements, in this instance NLTDR Circular No. 1, s. of 1981, relating to the registration of land transfers subject to capital gains.

On the discrepancy between the entries appearing in the Deed of Assignment and TCT Nos. 1231 and T-8112, I particularly note that it came about because of an instruction to the typist to indicate in the certificate that respondent's children are of legal age. The instruction came from respondent no less. On him, like other Register of Deeds, rests the burden at the first instance of preserving the integrity of the land registration system. Respondent's action under the premises is erosive of the system.

WHEREFORE, Atty. Roberto Rocha is adjudged guilty for grave misconduct. Accordingly, and as recommended by the then Secretary of Justice, Atty. Rocha is hereby suspended from office as Register of Deeds of Surigao del Norte for one (1) year without pay and allowances, effective upon receipt of a copy thereof.

Done in the City of Manila, this 9th day of September, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 235

AMENDING ADMINISTRATIVE ORDER NO. 206 DATED JANUARY 24, 1991 CONSTITUTING AN AD HOC COMMITTEE TO FORMULATE THE PHILIPPINE POSITION TO THE EIGHTH SESSION OF THE UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT (UNCTAD VIII) IN PUNTA DEL ESTE, URUGUAY

Upon the recommendation of the Secretary of Foreign Affairs, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby amend Administrative Order No. 206 dated January 24, 1991 Constituting an Ad Hoc Committee to Formulate the Philippine Position to the Eighth Session of the United Nations Conference on Trade and Development (UNCTAD VIII), to include the Department of Environment and Natural Resources (DENR) as additional member of the Committee.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 19th day of September, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 236
SUSPENDING FOURTH ASSISTANT CITY PROSECUTOR ELMER MANUEL SAGSAGO OF
BAGUIO CITY FOR A PERIOD OF ONE (1) YEAR WITHOUT PAY

This refers to the administrative complaint filed by the Department of Justice against Fourth Assistant City Prosecutor Elmer Manuel Sagsago of Baguio City for “Disloyalty to the Republic of the Philippines and to the Filipino People.”

The case arose from the transmittal by the Fact-Finding Commission created under Republic Act No. 6832 to investigate the failed December 1989 Coup, otherwise known as the “Davide Commission”, of a copy of its Resolution No. 114, “IN RE: RECOMMENDING TO THE DEPARTMENT OF JUSTICE THE PROSECUTION AND/OR INVESTIGATION OF CIVILIANS PROBABLY LIABLE FOR OFFENSES IN CONNECTION WITH THE FAILED DECEMBER 1989 COUP D’ETAT” (September 30, 1990) to my Office, which in turn referred it to the Department of Justice. The Resolution contains, inter alia, the following recital:

“22. ELMER SAGSAGO

an Assistant Prosecutor of the City of Baguio, President of the Baguio Chapter of GCFI, who, with Ikeuchi and Sgts. Ocon and Mendez, left Baguio City in the morning of 30 November 1989 to attend an alleged meeting of the GCFI members at the PPA Building, North Harbor, in the evening of the said date, at which meeting the participants were provided with fire-arms; before the meeting, he met 30 to 40 GCFI members from the PMA among them were Sgts. Jaime Camacho and Alimbuyao.”

On November 9, 1990, the Department of Justice, per Justice Secretary, now Executive Secretary Franklin M. Drilon, formally charged Prosecutor Sagsago, as follows:

“This Department has found, after an evaluation of Resolution No. 114 xxx of the Fact-Finding Commission xxx and your testimony, as well as others, before said Commission, as borne by the pertinent records thereof xxx that a probable cause for Disloyalty to the Republic and to the Filipino people exists against you.”

Likewise on the same date, Secretary Drilon placed Sagsago under preventive suspension for ninety (90) days pending formal investigation of the charge to be conducted by 2nd Assistant City Prosecutor Cielito N. Mindaro pursuant to Department Order No. 267 also dated March 9, 1990; the preventive suspension, however, expired on February 19, 1991. Subsequently, or on November 26, 1990, Department Order No. 283, designating State Prosecutor Cesar Solis to prosecute the case, was issued.

In his letter to Secretary Drilon dated November 21, 1990, and affirmed at the hearing on November 26, 1990, T.s.n., Session of November 26, 1990, 3-4, 8, 10, Sagsago denied the charge of

disloyalty. While admitting his presence at the North Harbor, Manila, in the evening of November 30, 1989, he termed his presence as an act of indiscretion (“indescrction), for which he begged “[y]our acceptance of my remorse and apologies” “If only to relieve some of the burdens I now carry.” Then followed his manifestation to adopt as parts of his answer his testimony in, certain exhibits presented to, all documents submitted to, the Davide Commission, *Id.*, 10-11, T.s.n., Session of December 6, 1990, 7, and his letter of November 26, (21), 1990, T.s.n., Session of December 6, 1990, 7.

After formal investigation, Acting Secretary of Justice Silvestre H. Bello III submitted his Memorandum, dated 2 August 1991, containing his findings and recommendation, for my consideration.

The Acting Secretary of Justice succinctly summarized the evidence as follows:

“Culled from the testimonies, it appears that sometime in the second week of October 1989, the respondent attended a gathering (Comments of the Respondent, p. 143, Folder I; tsn., 10 January 1991, pp. 13-17, Folder II; p. 101, Folder III); that among those present in the said gathering were Lt. Col. Eduardo ‘Red’ Kapunan, Sgt. Ocon and Sgt. Mendez; that on 26 November 1989, at the Orange Country Tavern in Baguio City, Sgt. Rodolfo Ocon learned of a general meeting which would be scheduled and which would be held at Pier 8, North Harbor, Manila (tsn., 11 January 1991; pp. 1-2, Folder II); that at about 3 o’clock in the afternoon of 28 November 1989, at the Tondo Restaurant in Baguio City, Sgt. Ocon was informed by MSgt. Abe about another assembly or general meeting at 5 o’clock in the afternoon of 30 November 1989 at Pier 8, North Harbor and for him to inform the other members who might be interested in attending that meeting (Folder III, p. 124; tsn., 10 January 1991, pp. 35-36, Folder II); that sometime in mid-November, Sgt. Ocon told Sgt. Mendez that there was going to be a meeting at the North Harbor (tsn., 11 January 1991, pp. 37-38, Folder II; tsn., 31 May 1990, p. 10 Folder VI); that Sgt. Ocon told Sgt. Antonio Alimbuyao about the general meeting of the Guardians (tsn., 11 January 1991, pp. 21-26, Folder II); that at about 6 o’clock in the morning of 30 November 1989, Sgt. Mendez informed Sgt. Jovito Marron about a meeting at Pier 8; that Sgt. Mendez asked Sgt. Marron to tell the respondent about it (tsn., 27 December 1989, pp. 14-16, Folder II; tsn., 31 May 1990, p. 11 Folder VI); that at about 6:30 o’clock in the morning of 30 November 1989, Sgt. Marron instructed Nena P. Edduba to inform her uncle, the respondent, about the meeting; that Edduba, relayed the message to her uncle at about 7 o’clock in the morning of 30 November 1989 (tsn., 26 November 1990, pp. 32-38, Folder II); that at around 9 o’clock in the morning, the respondent, Ikeuchi and three (3) others asked Daniel T. Fariñas if he knew of a driver for Manila (tsn., 26 November 1991, pp. 13-32); that at about 8:25 o’clock in the evening of 30 November 1989, Sgt. Ocon proceeded to the restaurant as told to him by Msgt. Abe at the North Harbor (tsn., 10 January 1991, p. 38); that Sgt. Camacho arrived at Pier 8, between 6 and 7 o’clock in the evening of 30 November 1989; that Sgt. Alimbuyao arrived alone at Pier 8 at past 5 o’clock in the afternoon of 30 November 1989; that Sgt. Mendez and Sgt. Daza, in civilian clothes and unarmed, arrived at North Harbor in the afternoon of 30 November 1989 (tsn., 31 May 1990, p. 12, Folder VI); that the respondent and Ikeuchi left Baguio City at about 9:30 o’clock in the

morning of 30 November 1989 (tsn., 5 May 1990, p. 17, Folder V); that they reached Pier 8 about 6:30 o'clock in the evening of that day (Sworn Statement of the respondent, Folder III, p. 36, tsn. 10 January 1991, pp. 36-45, Folder II); that the respondent and Ikeuchi saw Sgt. Mendez and Sgt. Ocon together with some 12 to 15 soldier-members from the PMA sitting in one of the restaurants thereat (Sworn Statement of the respondent, Folder III, p. 36); that Sgt. Ocon met Sgt. Camacho and Sgt. Alimbuyao thereat (tsn., 10 January 1991, pp. 36-45, Folder II); that they passed the time in the restaurant; that, meanwhile, other members from the PMA had started arriving until their total number reached thirty (30); that at about 9:30 o'clock in the evening, someone asked them if their group came from Baguio City, to which they answered in the affirmative; that they were asked by the person to follow him and they went to the building of the Philippine Ports Authority (PPA) (tsn., 10 January 1991, pp. 36-45, Folder II; Sworn Statement of the respondent, Folder III, p. 36); that the place was filled with people and that there was some sort of festivity inside; that after partaking of the food and drinks thereat, the respondent went outside; that the respondent, Sgt. Alimbuyao and Sgt. Camacho remained outside because it was hot inside the building (Ibid.); that at about 11 o'clock, a certain 'somebody' arrived; that this 'somebody' announced at the gathering about the 'good news' which is to change the government because it is corrupt; that this 'somebody' asked if the Baguio group was joining; that Sgt. Ocon answered, "if it is for the good of the country" (tsn., 10 January 1991 pp. 36-45, Folder II; tsn., 31 May 1990, Folder VI); that the respondent called to Ikeuchi who, in turn, called Sgt. Mendez who also called to Sgt. Ocon; and that the respondent told them something wrong was happening so they were not joining and they were going to disperse quietly in groups of two's or three's (Sworn Statement of the respondent, Folder III, p. 37; tsn., 31 May 1990; pp. 20-35, Folder VI; tsn., 10 January 1991, pp. 36-45, Folder II; tsn., 11 January 1991, pp. 31-33)," (at pp. 3-4).

Evaluating the evidence, the Acting Secretary of Justice found these insufficient to support the charge for disloyalty to the Republic and the people, saying, in his Memorandum for me, *Id.*, at 5-6, that:

"For the reasons stated hereunder, we do not find sufficient evidence to hold the respondent liable for Disloyalty to the Republic and to the people, but find, however, that the evidence would sustain respondent's liability for Conduct grossly prejudicial to the best interest of the service.

"It is admitted that the respondent is the President of the Guardians Centre Foundations, Inc. (GCFI) in Region I. It is also concede that the respondent, together with Ikeuchi, Sgt. Ocon, Sgt. Mendez, Sgt. Camacho and Sgt. Alimbuyao, left Baguio City in the morning of 30 November 1989 to attend a meeting of the GCFI at Pier 8, North Harbor. It has been established that they and other members of the GCFI, totaling about thirty (30) in all, were present on that evening at the North Harbor. However, it has not been shown that they were armed and/or provided with firearms to indicate their support for the December 1989 coup attempt.

“From the testimonies given during the investigation, there appears to be inconsistencies as to the presence of the respondent inside the room when the announcement concerning the ‘good news’ that the government would be changed because it is corrupt, was made. However, the fact remains that when the announcer (the ‘somebody’ referred to in the testimonies of witnesses) asked for the reaction of the Baguio group, it was Sgt. Ocon who relied, ‘if it is for the good of the country.’ All witnesses, namely: Sgt. Ocon, Sgt. Mendez, Sgt. Camacho, Sgt. Alimbuyao, and even Ikeuchi in his testimony before the Davide Commission, were unanimous in saying that the respondent had decided, then and there to warn his group that something wrong was happening, that they were not joining the coup d’etat, and that they should disperse quietly in groups of two’s or three’s.

“Obviously, these are not acts of Disloyalty which, as an administrative offense, is punishable with dismissal under Civil Service Commission (CSC) Memorandum Circular No. 30, s. 1989, entitled “Guidelines in the Application of Penalties in Administrative Cases’. Disloyalty is not defined nor is it mentioned as one of those grounds for disciplinary action enumerated under Sec. 36 of Presidential Decree No. 807, otherwise known as the Civil Service Decree of the Philippines.

“The offense of Disloyalty, however, can be inferred from Republic Act No. 6713, otherwise known as the ‘Code of Conduct and Ethical Standards for Public Officials and Employees’ (20 February 1989), the pertinent portion of which reads as follows:

“SEC. 4 (A). Every public official and employee shall observe the following standards of personnel conduct in the discharged and execution of official duties. xxx xxx xxx

(g) Commitment to democracy - Public officials and employees shall commit themselves to the democratic way of life and values, maintain the principle of public accountability, and manifest by deeds the supremacy of civilian authority over the military. They shall at all times uphold the Constitution and put loyalty to country above loyalty to persons or party.”

“On the basis of the foregoing, the respondent, in deciding not to join the December 1989 coup attempt and enjoining his members not to participate therein, manifested by deed the supremacy of civilian authority over the military, and therefore, his commitment to democracy.

“Assuming arguendo that at about 11 o’clock in the evening of 30 November 1989, respondent was then inside the PPA room and that he merely kept silent when a certain ‘somebody’ asked what the Baguio group can say about the ‘good news’, his silence thereat cannot be construed as Disloyalty. Furthermore, respondent’s decision for him and his group not to join the December 1989 coup and instead leave the premises quietly discounts acts of Disloyalty. In the case of United States vs. Ravidas, 4 Phil. 271 (1905), the Supreme Court held that Act No. 292 of the Civil Commission defines and specifies the acts which shall be punished as insurrection, but among those acts, the silence of the defendant

as regards the existence of some insurgents in a certain place is not enumerated; however reproachful the silence of the defendant may be, it does not in itself constitute the crime of insurrection.”

However, the Acting Secretary of Justice saw such conduct as “Conduct Grossly Prejudicial to the Best Interest of the Service”, explaining, that:

“The respondent admits having attended a meeting where Lt. Col. ‘Red’ Kapunan, a known rebel, was present, yet being a public officer, he did not report the presence and/or his sighting of the rebel officer, thereby contributing to, if not actually hindering, the Government’s efforts at capturing rightist rebels. This fact, in conjunction with his presence on the eve of the coup at the Pier in North Harbor, where people were gathering in strength for the launching of the coup d’etat, albeit the fact that he did not, by overt acts, join the coup itself, his presence thereat, being then a public officer, caused the Government and this Department great embarrassment, a fact which the respondent admits and realizes as a fault. As the respondent puts it, he ‘did not exercise proper caution, judgment, or wisdom.’” (6-7)

Accordingly, he recommended the imposition of the penalty of suspension for a period of one (1) year without-pay.

I agree with the findings and recommendation of the Acting Secretary of Justice. It bears noting that Sagsago himself, in his letter to Secretary Drilon of November 21, 1990 decried his own conduct as follows:

“I am fully aware that my presence at the North Harbor caused too much embarrassment to the Department particularly to the Secretary of Justice in view of my official position. The event has made me anachronistic to the Department which is presently prosecuting rebels whether of the left or the right.”

even as he continued:

“In the light of the present charge against me, it may appear and seem suspect, if not insincere, were I to say I am sorry. But truly I am and more than this, I feel so much ashamed because my very Superiors in the Department are effected by my indiscretion. If, I am humbling myself, it is not so much as to save my career- or what is left of it now - but because, it is only proper for I am the cause of all these troubles.

“If only to relieve some of the burdens I now carry, may I beg your acceptance of my remorse and apologies.”

WHEREFORE, Fourth Assistant City Prosecutor ELMER MANUEL SAGSAGO of Baguio City is hereby found guilty of Conduct Prejudicial to the Interest of the Service and, accordingly, suspended from office for a period of one (1) year without pay, effective upon his receipt of a copy of this Administrative Order.

DONE in the City of Manila, this 24th day of September, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) MARIANO SARMIENTO II

Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 237
SUSPENDING ATTY. RAMON D. ABAD, REGISTER OF DEEDS OF SAN JUAN,
METRO MANILA, FOR A PERIOD OF ONE (1) YEAR WITHOUT PAY

This is an administrative case instituted through a petition, dated July 18, 1989, of Mr. Gilberto M. Paras, a Land Registration Examiner in the Registry of Deeds of San Juan, Metro Manila, against Atty. Ramon D. Abad of the same Registry, for graft and corrupt practices, incompetence and ignorance of the law, and commission or omission of other acts inimical to public service. In the petition, Paras listed the specifications against Abad as follows:

I. Graft and Corrupt Practices

Using the facilities of the Registry of Deeds and his influence as Register of Deeds in directly involving himself in the sale of real estate properties, particularly the Swire Realty and Spouses Kapalungan transactions;

II. Incompetence and Ignorance of the law

Failing to exercise reasonable skill and diligence in consenting to the registration of documents in the China Bank, Arellano/Fineland, De Jesus, and the Goldloop Properties, Inc./Robles transactions;

III. Commission or Omission of other acts Inimical to Public Service

Under this specification, Paras mentioned Mr. Herminio Disini and Crispino M. Meru, Jr. accounts and cases of nonfeasance, the latter in broad language.

A specification entitled “Administrative Case Filed by Atty. Abad against Jesusa Norieta, Cashier” was deleted.

On August 18, 1989, then Secretary of Justice Sedfrey A. Ordoñez issued Department Order No. 154 creating an Ad Hoc Committee to conduct an investigation/inquiry of the complaint. Abad submitted, on August 21, 1989, his “Comment on the So-called Petition to oust Atty. Ramon D. Abad, Register of Deeds, Metro Manila,” to which Paras countered with a Rejoinder dated September 28, 1989.

Paras sought, through a Manifestation and Motion dated September 18, 1989, the relief of Abad as Register of Deeds and the appointment of a substitute to serve in an acting capacity pending the resolution of his petition. The Manifestation and Motion, treated as a Motion for Preventive Suspension, was denied by the Ad Hoc Committee, T.s.n., Session of September 29, 1989, 4; a motion for reconsideration of this denial was likewise filed, Id.; 4-5, which was similarly denied, T.s.n., Session of October 5, 1982, 2.

After protracted hearings which started on September 18, 1989 and which lasted to July 3, 1990, Justice Secretary, now Executive Secretary, Franklin M. Drilon, submitted his letter-report to me dated April 29, 1991.

In that letter-report, Secretary Drilon concluded, that:

“In summary, substantial evidence proves the liability of respondent Abad for misconduct and violation of the relevant Civil Service regulation. He can be faulted for misconduct for his overt act of soliciting through the use of the NLTDRA’s official stationery - the sale of a parcel of land located within the territorial responsibility of the Registry he heads; his lack of prudence in being a witness to a transaction involving a title certificate which covered land within San Juan; and his intent to disregard or dispense with the requirement of Section 71 of the Property Registration Decree. He violated Section 3, Rule XV of the Revised Civil Service Rules which, without any previous authority from the head of his agency, he required his personnel to perform overtime services;”
and accordingly recommended:

“x x x that Atty. Ramon D. Abad be held liable for misconduct and violation of the pertinent Civil Service regulation and that the penalty of suspension from the service for one (1) year without pay be imposed on him.”

As to the specifics of the Paras charges, the Justice Secretary had this to say:

I. On Graft and Corrupt Practices:

“Complainant Paras asserts that respondent Abad violated the Anti-Graft and Corrupt Practices Act, as amended. However, he omits to pinpoint the specific provisions of the said Act which the respondent allegedly violated when he sent the 21 March 1989 letter and signed as witness to the 29 November 1988 Contract to Sell between the Kapalongans and the Danaos. The Anti-Graft and Corrupt Practices Act enumerates eleven (11) acts or omissions of public officers but complainant Paras fails to indicate under which of the said acts or omissions the aforementioned actuations of respondent Abad fall. Respondent Abad definitely has the right to know the specific provisions of law he allegedly violated to enable him to properly defend himself.

“The foregoing notwithstanding, respondent Abad can be held liable for misconduct in relation to the same incidents. In his 21 March 1989 letter on the NLTDRA official stationery addressed to the Swire Realty Corporation, he informed the addressee to ‘feel free to come over for negotiation.’

“The provisions of Section 32, Chapter 9, Book I of the Administrative Code of 1987 requires all public officers and employees to serve with utmost responsibility and integrity. Section 32 expressly requires the conduct of a public servant to be above suspicion. By his actuation, respondent Abad has manifested his irresponsibility and deficiency in integrity. His overt act of soliciting through the use of the NLTDRA’s official stationery the sale of land located within the territorial responsibility of the Registry he heads and of taking advantage of information he undoubtedly has acquired by reason of his office obviously corresponds to a conflict of interests which adversely affects the faithful performance of his duties.

“Respondent Abad’s response to the allegations on his 21 March 1989 letter of solicitation that no law prohibits offering to negotiate a sale of real estate and that the Government could have benefited through revenues had the negotiation pushed through manifests his irresponsibility and insensitivity to

the demands of the position he holds. True, no law prescribes any person from offering to negotiate a sale of real property. However, the respondent overlooks that he is no ordinary person. He holds the position of Register of Deeds charged with functions related to the registration of lands situated within his area of responsibility and transactions involving the same.

“In the case of respondent Abad’s signing as a witness to the 29 November 1988 Contract to Sell between the Kapalungan and the Danaos, again, no law prohibits him from being a witness to such a transaction. However, prudence should have impelled him to abstain from doing so, considering that the title certificate subject of the contract covered land within San Juan. For, if any question as to the registrability of the contract had been raised, he would have compromised his position as Register of Deeds;”

II. On Incompetence and Ignorance of the Law

“a. Respondent Abad required the payment of the annotation fees only in connection with the registration of four (4) Deeds of Assignment executed by the China Banking Corporation in favor of different assignees of four (4) condominium units and of the respective Affidavits of Consolidation executed by the assignees, although the said Deeds and Affidavits should have also been subject to the payment of documentary stamps, transfer taxes and registration fees.

“On the matter, the records indicate that respondent Abad did not insist on his stand. After the Commission on Audit found an under assessment, he sent a letter dated 9 May 1988 to the Bank apprising it of the deferment of the processing of the Deeds of Assignment due to the nonpayment of the required registration fees, documentary stamps and transfer taxes. Eventually, the Bank paid its deficiencies. Thereafter, the Deeds of Assignments and the Affidavits of Consolidation were registered and the new title certificates were released.

“At the minimum respondent Abad erred in his appreciation of the requirements for the transaction involved. He cannot be faulted with incompetence. Incompetence implies such palpable lack of adequate ability and fitness for the satisfactory performance of official duties. He cannot be said to be completely ignorant of the statutory provisions, rules and regulations governing the procedures and processes on transactions in his Registry.

“b. Respondent Abad insisted on the registration of the Deed of Absolute Sale dated 4 April 1989 executed by Mr. Juan Marcos Arellano and his five (5) children in favor of the Fineland Realty Corporation of two (2) parcels of lands notwithstanding that the properties being conjugal and Mr. Arellano’s spouse having already died, no settlement of the estate had been presented and the estate and transfer taxes and registration fees for the estate settlement had not been paid. Subsequently, however, the parties involved presented the required Affidavit of Adjudication of the Estate of the Decedent Anselma Juliana J. Arellano dated 5 June 1989 and paid the necessary taxes and fees.

“In this instance, the Locator Slip dated 3 July 1989 prepared by Land Registration Examiner Carmencita Yumul and the Locator Slip dated 4 July 1989 accomplished by complainant Paras which Locator Slips contain the remarks and recommendations of the Land Registration Examiner or Examiners who processed the documents both attached to the 4 April 1989 Deed of Absolute Sale

do not substantiate the complainant's allegation that respondent Abad insisted on the registrability of the said Deed notwithstanding his awareness of the non-settlement of the estate involved, the non-payment of estate and transfer taxes, documentary stamps and registration fees or the non-publication of such estate settlement. The said Locator Slips do not indicate any statement that would either caution respondent Abad of the non-registrability of the Deed of Absolute Sale or of the alleged deficiencies appurtenant to the said document.

"c. Respondent Abad refused the registration of the Absolute Deed of Assignment/Sale dated 16 May 1989 executed by Ms. Imperial Sy de Jesus for and in behalf of Ms. Rowena T. Sy de Jesus by virtue of the Special Power of Attorney dated 25 July 1988 granted her by her daughter Rowena in favor of Mr. Herbert T. Sy de Jesus of Rowena's 1/3 undivided interest in a condominium unit covered by Condominium Certificate of Title No. 3758 on the ground that 'the agent must likewise place the name of the principal on top of her typewritten name.' Even though complainant Paras and a lawyer of the Law Division of the Land Registration Authority opined that placing the name of the principal on top of her typewritten name was not necessary, for the authority of the agent to sign arose from the Special Power of Attorney, respondent Abad insisted on his stand. Ms. Imperial Sy de Jesus had no recourse but to comply so that the transaction could be registered.

"Complainant Paras hammers upon respondent Abad's imposition that the agent place 'the name of the principal on top of her typewritten name.' True, such imposition caused inconvenience to the agent and resulted only in a redundancy, i.e., the appearance of the 'name' of the principal twice in the Absolute Deed of Assignment/Sale. However, the incident cannot still buttress the charge of respondent Abad being unfit as a Register of Deeds.

"d. Respondent Abad refused to sign and send the Notice of Adverse Claim dated 2 February 1989 addressed to the Gold Loop Properties, Inc., following the filing by the spouses Roberto and Alicia Robles of their Affidavit of Adverse Claim dated 2 February 1989 affecting any transaction involving the parcel of land covered by Transfer Certificate of Title No. 1981-R they mortgaged to the Gold Loop Properties, Inc., the period for redemption of which had not yet expired. The respondent signed the annotation on the title certificate but not the Notice of Adverse Claim, stating that such Notice was no longer necessary.

"Respondent Abad explains that he did not sign and cause the sending of the Notice of Adverse Claim to the Gold Loop Properties, Inc., upon the request of Ms. Robles.

"Section 71 of the Property Registration Decree clearly requires the Register of Deeds, within thirty-six (36) hours after registration of any attachment or other lien in the nature of an involuntary dealing in registered land, to 'send notice by mail to the registered owner stating that such paper has been registered, and requesting him to send or produce his duplicate certificate so that a memorandum of the attachment or other lien may be made thereon.'

"Respondent Abad cannot use as excuse the request of Ms. Robles for his failure to send the notice of adverse claim to the Gold Loop Properties, Inc. Section 71 spells out the requirements in explicit terms. His intent to disregard or

dispense with such requirement amounts to abuse of discretion. On this score, he can be held liable again for misconduct.”

III. Commission or Omission of Other Acts Inimical to Public Service

“[Paras] contends that in May 1989, respondent Abad required the personnel of the San Juan Registry of Deeds to expedite for a ‘facilitation fee’ the transfer of four (4) parcels of land situated in Greenhills covered by title certificates in the name of Mr. Herminio T. Disini in favor of the Union Bank. On 8 June 1989, the respondent even required his personnel to work beyond office hours to eight o’clock in the evening to ensure the completion of all documents pertinent to such transfer;

“Complainant Paras himself stated during the investigation that he initially processed the documents and he found no deficiencies which could have rendered the transaction irregular. He also failed to provide convincing proof on his allegation relative to the ‘facilitation fee.’

“However, the circumstances of processing indicate the liability of respondent Abad for the violation of existing Civil Service rules and regulations. Atty. Niceforo Agaton of the Union Bank revealed in his testimony during the investigation that he remained in the San Juan Registry of Deeds until 7:00 o’clock in the evening waiting for the completion of the processing of the new title certificates. Mesdames Carmen Reyes and Marie Dacanay, Records Officer and Clerk I, respectively, of the said Registry, also testified that they performed overtime work to complete such processing upon instructions of the respondent.

“Section 3, Rule XV of the Revised Civil Service Rules provides that only the ‘head of any Department or agency may extend the daily hours of work xxx for any or all of the employees under him xxx.’ Not being the head of a Department or agency, respondent Abad acted beyond the scope of his powers when, without previous authorization from the Administrator of the Land Registration Authority, he required his personnel to perform overtime services. Respondent Abad’s actuation, aside from being violative of the pertinent Civil service regulation, manifests his tendency to give undue preference to certain clients. It should be noted that the personnel of the San Juan Registry of Deeds had been asked to render overtime services only in this instance.

“4. Complainant Paras charges respondent Abad with nonfeasance and alleges that the said respondent did not allow the registration of the petition dated 12 July 1989 filed by Mr. Crispino M. Meru, Jr., seeking the cancellation of an encumbrance appearing on Transfer of Certificate of Title No. 2980-R relating to the usufructuary right of Mr. Edgardo Gavino over a portion of the property subject thereof due to the absence of Mr. Gavino’s signature on the said petition. Mr. Meru sought such cancellation due to his desire to sell the property unencumbered. According to the complainant, respondent Abad showed interest in the property and appeared ready to direct such cancellation even without a court order under a ‘favorable climate,’ i.e., if Ms. Dominadora Ragasa, who filed Mr. Meru’s petition, had been a ‘broker or a prospective ‘buyer’ of the land involved. Complainant Paras presented the sworn statement of Mr. Meru subscribed on 8 August 1989 to support the foregoing allegations.

“The sworn statement of Mr. Meru cannot be accorded serious consideration and credence. During the investigation, Mr. Meru admitted that complainant Paras prepared his statement, that majority of the facts recited came from the said complainant and that the said statement reflected the personal ‘wording’ of the complainant. ”

I agree with the Secretary of Justice that Abad is liable for misconduct and violation of the relevant Civil Service regulation and concur as to the recommended penalty of suspension from the service for one (1) year without pay. Abad’s actuations in this case go beyond “[t]he basic standard of care and caution invariably required in the public service” (Administrative Order No. 162, April 6, 1990), and I may add, prudence, as the Justice Secretary says, and discretion and considering the circumstances herein, merits the penalty of suspension from the service for one (1) year without pay.

WHEREFORE, Atty. RAMON D. ABAD, Register of Deeds of San Juan, Metro Manila, is hereby found guilty of misconduct and violation of the pertinent Civil Service regulation and, accordingly, suspended from office for a period of one (1) year without pay, effective upon his receipt of a copy of this Administrative Order.

DONE in the City of Manila, this 25th day of September, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) MARIANO SARMIENTO II
Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). [*Administrative Order Nos.: 151 - 289*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 238

ADMONISHING MACARIO A. ASISTIO, JR., KALOOKAN CITY MAYOR, WITH A
STERN WARNING THAT FUTURE MISCONDUCT IN OFFICE WILL BE DEALT
WITH MORE SEVERELY

This refers to the "COMPLAINT" filed by Delfina A. Hernandez Santiago against Mayor Macario A. Asistio, Jr. of Kalookan City for "violation of Presidential Decree No. 807, the Civil Service Law and Rules, to wit (a) Art. IX, Sec. 36 [b] [1] Dishonesty; (b) Art. IX, Sec. 36 [b] [2] Oppression; (c) Art. IX, Sec. 36 [b] [5] Disgraceful and Immoral Conduct."

Antecedent facts show that Delfina A.H. Santiago, former City Personnel Officer of Kalookan City, went on a 240-day approved sick leave of absence covering the period from January 25 to December 31, 1988.

On February 5, 1988, or upon assumption of office, respondent Mayor Asistio issued a memorandum cancelling "all leaves of absences of city officials and employees x x x effective immediately." In another memorandum of even date, respondent Mayor informed complainant Santiago of her detail with the Office of the Secretary to the Mayor. In reaction, complainant Santiago wrote the respondent Mayor explaining her incapacity to report for duty.

Through a letter dated April 21, 1988, complainant Santiago was given by the Office of the City Legal Officer (CLO) another five (5) days reckoned from the receipt of the aforesaid letter to report for work, "otherwise, the undersigned may be constrained to take drastic action against you." On May 2, 1988, complainant Santiago requested for ten (10) days within which to submit her answer.

On December 19, 1988, after an ex-parte investigation, the Office of the CLO reached a resolution, pertinent portions of which are quoted hereunder, recommending the dismissal of complainant Santiago, "the instant case being the second infraction of the Civil Service Law by Atty. Santiago," for insubordination and neglect of duty:

"3. In 1983, Atty. Santiago was charged administratively for UNAUTHORIZED ABSENCES, in violation of the Civil Service Laws. Upon recommendation of the Office of the City Legal Office, Atty. Santiago was validly and lawfully ordered to be dropped from the rolls which was subsequently approved and affirmed by the Civil Service Commission in the latter's order dated October 1983, the dispositive portion of which reads:

x x x

FINDINGS

x x x, memorandum dated February 5, 1988 issued by Hon. City Mayor, Macario A. Asistio, Jr. x x x cancelled all leave of absences x x x. x x x Atty. Santiago was duly served with the said memo as appearing on the said memo is her signature, an evidence of receipt thereof. Having received the said memo Atty. Santiago was fully aware of the cancellation of her leave of absence and therefore as a prudent employee she should have observed the memorandum of the City Mayor by way of reporting for work as called for. What happened

instead was that Atty. Santiago never showed-up, thereby neglecting her duty as Asst. City Administrator and committed, in effect, insubordination.

What is nagging and aggravates the predicament of Atty. Santiago is that the instant case is already her second violation which places in the category of incorrigible employees. the first is when she was charged of UNAUTHORIZED ABSENCES, punished for said act and made to suffer the corresponding penalty thereof.”

Acting on the said resolution, respondent Mayor Asistio, in a memorandum dated May 18, 1989, dismissed complainant Santiago from the service.

On June 9, 1989, complainant Santiago filed a complaint before the Department of Local Government, now the Department of Interior and Local Government (DILG), docketed thereat as Administrative Case No. C-10403-89, against Mayor Macario A. Asistio, Jr., which complaint was later amended as to the subtitles appearing on pages 1 and 6 thereof. In this complaint, complainant Santiago charges:

- “1. The resolution which is the basis of the dismissal order was without just cause nor due process and therefore, null and void; the administrative penalty was not based on any administrative charge/case. The dismissal order is, therefore, also null and void. The cause is dishonesty and oppressive; the effect is, therefore, also dishonest and oppressive.
2. The dismissal order is moot and academic since I had already resigned from the service effective January 1, 1989. A copy of my letter of resignation is enclosed herewith as Annex C.
3. The dismissal order would be prejudicial to my rights as a resigning employee, since it would deprive me of my benefits as such, including my rights under the GSIS Law.
4. The dismissal order is not only illegal but also immoral and derogatory of my rights and integrity as a former government official. With it, respondent mocked at the oath he took to safeguard the honor of the public office entrusted to him.”

In view of the constitution of the Metro Manila Authority under Executive Order No. 392 dated January 9, 1990, and pursuant to the Memorandum of the Executive Secretary dated March 2, 1990, providing for the direct investigation of all administrative charges/complaints against elective officials of Metropolitan Manila by the Office of the President (proper), principally through the Presidential Management Staff (PMS), the case at bar was transferred to this Office for evaluation and investigation.

A memorandum of June 11, 1991 from the PMS contains the following pertinent facts and recommendation.

x x x

- “8. During the preliminary conference to this case, the parties agreed to the submission of the case for resolution on the basis of the pleadings and the evidence on record pursuant to Section 4 [1], Rule 3 of A.O. 195.
9. After due evaluation of the case, we found that the respondent’s act in dismissing the complainant from service was properly done in good faith and is therefore not guilty of dishonesty and oppression.

10. What is important in a case where there is an allegation of lack of due process is that the party complaining is given the opportunity to be heard. What the law prohibits is not the absence of previous notice but the absolute absence thereof and lack of opportunity to be heard (*Tajonera v. Lamarosa*, 110 SCRA 438). In the instant case, the letter of the City Legal Officer sufficiently informed the complainant of the possible ‘drastic action’ against her if she failed to report for work.
11. In view thereof, we recommended that the complaint against Mayor Macario Asistio, Jr. be dismissed.”

The question of dishonesty, disgraceful and immoral conduct is hardly of relevance under the premises. This thus brings to the fore the core issue of whether or not respondent Mayor is administratively liable for oppression for his action/s against the complainant.

Respondent Mayor, through the City Legal Officer of Kalookan City, argued in his Memorandum dated January 21, 1991 that:

x x x

“The respondent referred to the City Legal Office for investigation the matter of complainant’s refusal to report for work and her leave of absence for 240 days. The said referral by respondent is equivalent to an administrative complaint pursuant to law, specifically Par. [2] [d], Section 171 of the Local Government Code (B.P. Big. 337) which provides:

‘[2] The City Mayor shall:

x x x

[d] See to it that executive officers and employees of the city faithfully discharge their respective duties and for the purpose, cause, if necessary, the institution and filing of appropriate criminal or administrative action;’ (underlining for emphasis).

Also quoted hereunder is a pertinent provision of the Civil Service Law on the matter:

‘P.D. 807 - Civil Service Law

x x x

Sec. 37. x x x

[b] The heads of departments, agencies, and instrumentalities, provinces, cities x x x shall have jurisdiction to investigate and decide matters involving disciplinary action against officers and employees under their jurisdiction.’

x x x.

Under the aforequoted laws, the referral of the disciplining authority (Respondent Mayor) to the City Legal Officer for investigation has to be given due course. In this case, it was in fact treated as an administrative complaint so that it can not be argued that there was no administrative case filed against the complainant in this case.

x x x

After the City Legal Office conducted an investigation of the administrative case against the complainant wherein the latter failed and refused to participate, the former decided the case on the basis of records and evidence available. x x x.

This Office is not impressed with the respondent Mayor's posture in defense. Contrary to what he alleged, the referral to the City Legal Officer of the matter of complainant's refusal to report for work is not equivalent to an administrative complaint against complainant Santiago. The rule is elementary that, whether in criminal or administrative proceedings, one is entitled to be informed of the nature and cause of the charges against him or her. To properly initiate an administrative proceedings, the complaint shall be in writing, in clear, simple and concise language and in a systematic manner as to apprise the respondent of the nature of the charges against him/her, to enable him/her to prepare a defense (Section 4, Rule III, Civil Service Rules on Administrative Disciplinary Cases; underscoring supplied).

Section 38 of Presidential Decree (P.D.) No. 807, otherwise known as the "Civil Service Decree of the Philippines," provides that if a prima facie case exists, the disciplining authority "shall notify the respondent in writing of the charges against the latter, x x x, and the respondent shall be allowed not less than seventy-two (72) hours after receipt of the complaint to answer the charges in writing under oath, x x x, in which he shall indicate whether or not he elects a formal investigation if his answer is not considered satisfactory."

Records disclose that complainant Santiago was merely sent a letter on April 29, 1988 by the City Legal Officer informing her that "we are giving you another five (5) days from receipt hereof to report for work, otherwise, the undersigned may be constrained to take drastic action against you." From said letter, the City Legal Officer proceeded with an ex-parte investigation and then arrived at a resolution recommending complainant Santiago's dismissal from the government service. Whereupon, respondent Mayor adopted said resolution and summarily dismissed complainant Santiago.

The respondent Mayor cannot, on the basis of the aforesaid resolution, summarily dismiss complainant Santiago without violating Section 36 [a] of P.D. No. 87, as amended, which pertinently provides:

"Section 36. Discipline. General Provisions - [a] No officer or employee of the Civil Service shall be suspended or dismissed except for cause as provided by law and after due process. (emphasis supplied).

The letter dated April 21, 1988 can hardly be considered an administrative complaint as it merely warned complainant Santiago that "drastic action" will be taken on her continuous failure to report for duty. This warning does not amount, or as respondent put it, "equal" to an administrative complaint. Solely on the basis of that letter, one cannot legally commence administrative proceedings against complainant Santiago, much more summarily imposed upon her the penalty of dismissal from office, without violating the due process clause of the Constitution. Basically, due process, as it relates to personnel disciplinary action, would require that suspension or dismissal be for cause and comes only after notice and hearing (Bernas, The Constitution of the Republic of the Philippines, Vol. II, 1988 ed., p. 334). "While the law recognizes the right of the employer to dismiss employees in warranted cases, the law frowns upon arbitrary and whimsical exercise when employees are not accorded due process" (Tan, Jr. v. NLRC, 183 SCRA 651). This Office believes that respondent Mayor should have given complainant Santiago the opportunity to explain her side of the controversy.

It may be mentioned that the records failed to show that complainant Santiago was duly notified of the "ex-parte investigation" conducted by the City Legal Officer. Thus, complainant Santiago averred: "(N)ot one among the abovementioned documents was a letter, a summons, a subpoena, a memo, or any sort of notice informing her that (1) an administrative case was filed against her or that (2) she was being summoned to an administrative investigation of any sort of case against her"

(Complainant Santiago's Memorandum, January 21, 1991, at p. 5). The letter of April 21, 1988 of the City Legal Officer is not an adequate notice contemplated by law.

The due process requirement is not a mere formality that may be dispensed with at will. Its disregard is a matter of serious concern since it constitutes a safeguard of the highest order in response to a man's innate sense of justice.

Verily, it appears in the light of the above factual observations that complainant Santiago had been terminated without proper observance of due process of law. Resultantly, respondent acted in the excessive use of authority amounting to "Oppression" (Philippine Law Dictionary, 1982 ed., at p. 430) in dismissing complainant Santiago without affording her due process.

WHEREFORE, Mayor Macario A. Asistio, Jr. of Kalookan City is hereby ADMONISHED for his acts of oppression in dismissing the herein complainant without due process of law, with a stern warning that future misconduct in office will be dealt with more severely.

Done in the City of Manila, this 26th day September, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). [*Administrative Order Nos.: 151 - 289*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 239

AMENDING ADMINISTRATIVE ORDER NO. 195 DATED 10 SEPTEMBER 1990 PRESCRIBING
RULES AND PROCEDURES ON INVESTIGATION OF ADMINISTRATIVE CASES/
COMPLAINTS AGAINST ELECTIVE CITY AND MUNICIPAL OFFICIALS IN
METROPOLITAN MANILA

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order the following:

SECTION 1. Section 3, Rule 1 of Administrative Order No. 195 dated 10 September 1990 is hereby amended to read, as follows:

“Sec. 3. Investigating Authority. - The Secretary of Justice is hereby designated as the Investigating Authority. He may assign an Investigator or constitute an Investigating Committee in the Department of Justice for the purpose.”

SEC. 2. Section 1 of Rule 4 is hereby amended to read, as follows:

“Section 1. Grounds. - At any time after the issues are joined, the respondent may be placed under preventive suspension by the Disciplining Authority upon the recommendation of the Investigating Authority when there is reasonable ground to believe that the respondent has committed the act or acts complained of; when the evidence of culpability is strong; when the gravity of the offense so warrants; or when the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence.”

SEC. 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 27th day of September, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 240
RECONSTITUTING THE MEMBERSHIP OF THE RIZAL DAY NATIONAL COMMITTEE IN
CONNECTION WITH THE OBSERVANCE OF THE 95TH DEATH ANNIVERSARY OF
DR. JOSE P. RIZAL ON DECEMBER 30, 1991

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby reconstitute the members of the Rizal Day National Committee in connection with the observance of the 95th Death Anniversary of Dr. Jose Rizal on December 30, 1991, as follows:

Hon. ISIDRO D. CARIÑO	-	Chairman
Secretary of Education, Culture and Sports		
Hon. GUILLERMO N. CARAGUE	-	Member
Secretary of Budget and Management		
Hon. TOMAS D. GOMEZ III	-	Member
Press Secretary		
Hon. JOSE P. DE JESUS	-	Member
Secretary of Public Works and Highways		
Hon. LUIS T. SANTOS	-	Member
Secretary of Interior and Local Government		
Hon. RAFAEL M. ALUNAN	-	Member
Secretary of Tourism		
Hon. IGNACIO BUNYE	-	Member
Chairman, Metropolitan Manila Authority		
Mr. SERAFIN D. QUIASON, JR.	-	Member
Chairman, National Historical Institute		
Atty. ELLAS B. LOPEZ	-	Member
Supreme Commander of the Knights of Rizal		

The Committee shall meet at the call of the Chairman and, for purposes of discharging its functions, it may create such sub-committees as may be necessary.

The Committee is hereby authorized to call upon any department, bureau, office, agency or instrumentality of government, including government-owned or controlled corporations, for such assistance as it may need in the discharge of its functions.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 27th day of September, in the year of Our Lord, nineteen hundred and ninety one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 241

AMENDING ADMINISTRATIVE ORDER NO. 43, S. OF 1987, ENTITLED “AUTHORIZING THE ASSET PRIVATIZATION TRUST TO DISPOSE OFF PROPERTIES RECOVERED BY THE PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT” AND FOR OTHER PURPOSES

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

1. The Asset Privatization Trust, hereinafter referred to as the Trust, shall transfer to the Presidential Commission on Good Government (PCGG) control and disposal responsibility of assets, shares of stocks, and such other properties referred to in paragraph 1(a) of Administrative Order (AO) No. 43, s. of 1987, recovered from, turned over by, or pertaining to, Mr. Jose Y. Campos.

2. The PCGG shall, in relation to such assets, shares of stocks, and other properties, exercise such powers or perform such functions, as defined in AO No. 231, s. of 1991.

3. The Trust’s control and administrative responsibilities over the properties covered hereby are terminated upon the actual and/or constructive transfer of such properties to PCGG.

4. Administrative Order No. 43 and similar issuances inconsistent herewith are hereby repealed or modified accordingly.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 4th day of October, in the year of Our Lord, nineteen hundred and ninety one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 242

**APPROVING THE TRANSFER TO THE NATIONAL GOVERNMENT OF CERTAIN SHARES OF
THE COMMON STOCK AND LIABILITIES OF PHILIPPINE AIRLINES, INC. (PAL)**

WHEREAS, PAL, the Philippine Flag carrier, is one of the largest corporations covered by the privatization program currently being undertaken by the Government of the Republic of the Philippines, hereinafter referred to as the “Republic,” pursuant to Proclamation No. 50, dated December 8, 1986, as amended:

WHEREAS, PAL has the following outstanding foreign currency obligations, hereinafter referred to as “Foreign Currency Obligations”:

- (a) indebtedness under the Paris Club restructuring program with the Republic as assuming obligor in bilateral agreements;
- (b) indebtedness owed to the Central Bank of the Philippines, hereinafter referred to as “CBP,” relating to short-term trade-related debts, as well as indebtedness assumed under the Paris Club by CBP as assuming obligor in bilateral agreements; and
- (c) indebtedness owed to commercial banks with the Republic as guarantor in PAL’s Restructuring Agreement.

WHEREAS, in view of PAL’s negative net worth as of March 30, 1991, it is necessary that a financial restructuring be undertaken by eliminating the aforementioned PAL’s Foreign Currency Obligations;

WHEREAS, a portion of the Paris Club debts with maturities up to June 30, 1991 has been assumed by the Republic and CBP under the relevant bilateral agreements pursuant to Presidential Decree No. 1961, dated June 11, 1985, as amended by Presidential Decree No. 1977, dated June 21, 1985; another portion of the Paris Club debts falling due between July 1, 1991 and August 31, 1992 shall likewise be assumed by the Republic under the terms of the recently concluded Paris Club multilateral negotiations; there remain only two installments falling due after August 31, 1992; and the Paris Club debts were guaranteed by the Republic under the original agreements;

WHEREAS, the short-term trade-related liabilities were originally incurred by PAL and were assumed by the CBP under the Revolving Short-Term Trade Facility Agreement, with the Republic as guarantor, pursuant to Presidential Decree No. 1961;

WHEREAS, the commercial bank debts were also restructured pursuant to Presidential Decree No. 1961 with the Republic as guarantor;

WHEREAS, the Republic and CBP have made certain advances, hereinafter referred to as “Advances,” for and in behalf of PAL in order to cover certain payments required under the aforesaid Foreign Currency Obligations which PAL was unable to service;

WHEREAS, pursuant to Section 23 of Proclamation No. 50, as amended, the President of the Republic of the Philippines, acting through the Committee on Privatization, shall in an appropriate instrument identify and describe the assets of government institutions to be transferred to the National Government;

WHEREAS, under Section 22 of Proclamation No. 50 as amended, the terms of the transfer of assets may include appropriate arrangements for the consideration thereof, including but not limited to the assumption by the National Government of certain liabilities of said institution, whether real or contingent;

WHEREAS, pursuant to said provision, the National Government, through the President of the Republic of the Philippines, is authorized to assume the obligations of government institutions, including those owed to the National Government, under such terms and to the extent determined by the President, on the recommendation of the Secretary of Finance, that may be warranted by the transfer of assets from such government institutions pursuant to this Proclamation.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby approved the following:

- (a) The transfer to the National Government of eight hundred million (800,000,000) shares of the common stock of Philippine Airlines, Inc., hereinafter referred to as "PAL Shares," to be issued from its unissued capital stock; and
- (b) The assumption by the National Government of the Foreign Currency Obligations of PAL consisting of the various indebtedness referred to in the second recital hereof and the Advances of the National Government referred to in the seventh recital hereof, more particularly described in the list consisting of one page which is attached hereto and made an integral part hereof as Annex A.

It is understood that the listings in Annex A hereof may be revised by the Committee on Privatization, if some errors in the listings are discovered.

The Secretary of Finance is hereby directed and authorized to enter into, conclude, sign and deliver, for and in behalf of the National Government, such agreements, documents, instruments and deeds as may be necessary to implement the issue and transfer of the PAL Shares and the assumption by the National Government of the Foreign Currency Obligations contemplated herein. The Bureau of Treasury is hereby directed and authorized to take up in the books of accounts of the National Government all transactions contemplated herein.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, Philippines, this 21st day of October, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 243
FURTHER RECONSTITUTING THE MEMBERSHIP OF THE HUMAN RIGHTS
COMMITTEE CREATED UNDER ADMINISTRATIVE ORDER NO. 101, SERIES OF 1988

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Human Rights Committee created under Administrative Order No. 101, series of 1988, is hereby further reconstituted, as follows:

- | | |
|----------|---|
| Chairman | - Secretary of Justice |
| Members | - A representative each from the - |
| | Office of the President |
| | Department of Foreign Affairs |
| | Department of National Defense |
| | Department of the Interior and Local Government |
| | Department of Health |
| | Department of Social Welfare and Development |
| | Department of Labor and Employment |
| | Two representatives from non-government |
| | organizations on human rights to be designated |
| | by the President |

Upon the designation by the Honorable, the President of the Senate, the Honorable, the Speaker, House of Representatives, and the Honorable, the Chairman, Commission on Human Rights, of their respective representatives in the Committee, such representatives so designated shall become regular members of the Committee representing their respective agencies.

SEC. 2. The provisions of Administrative Order No. 219 dated 6 May 1991 and of other issuances inconsistent herewith are hereby repealed or modified accordingly.

SEC. 3. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 21st day of October, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 244
AUTHORIZING SEABOARD-EASTERN INSURANCE CO., INC., TO BECOME A SURETY
UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond, or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by a corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust, and to execute and guarantee bonds of undertakings in judicial proceedings, and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, judge, officer, board or body, executive, legislative, or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking, unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has by contract with the Government of the Philippines been authorized to become a surety upon official recognizances, bonds, and undertakings;

WHEREAS, SEABOARD-EASTERN INSURANCE CO., INC., is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize SEABOARD-EASTERN INSURANCE CO., INC. to become a surety upon official recognizances, stipulations, bonds, and undertakings in such manner and under such conditions as are provided by law, subject, however, to the condition that the amount constituting the contributed surplus fund shall not at anytime be withdrawn without prior recommendation and justification by the Insurance Commissioner duly approved by the Secretary of Finance, and provided further, that the moment SEABOARD-EASTERN INSURANCE CO., INC. becomes indebted to any government instrumentality or political subdivision thereof, or to any government-owned or controlled corporation in the total amount of ₱50,000.00 accruing from the issuance of bonds, the same having become due and demandable, the insurance company must voluntarily desist from writing or issuing all kinds of bonds until the outstanding liabilities in government bonds shall have been fully paid or settled. Non-payment of liabilities shall be a cause for the immediate revocation of this Administrative Order.

Done in the City of Manila, this 23rd day of October, in the year of Our Lord, nineteen hundred and ninety one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 245

**CONSTITUTING AN INTER-AGENCY TASK FORCE TO MONITOR AND COORDINATE THE
ARREST AND INVESTIGATION OF KIDNAPPERS AND PROSECUTION OF KIDNAPPING
CASES IN METRO MANILA AND THROUGHOUT THE COUNTRY**

WHEREAS, the spate of kidnapping cases has alarmed the general public;

WHEREAS, there is an urgent need to focus and coordinate government attention and efforts for the immediate apprehension and prosecution of the people or syndicates involved in the kidnappings;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There is hereby constituted an Inter-agency Task Force to monitor and coordinate the arrest, investigation and prosecution of kidnapping cases committed in Metro Manila and throughout the country, composed of the following:

The Secretary of Justice	- Chairman
The Director-General, Philippine National Police	- Member
The Chief State Prosecutor, National Prosecution Service	- Member
The Director, National Bureau of Investigation	- Member

SEC. 2. The Inter-agency Task Force shall ensure the effective investigation and successful prosecution of offenders in kidnapping cases as well as to provide necessary protection for the victims and witnesses.

SEC. 3. The Inter-agency Task Force should see to it that kidnapping cases are resolved within thirty (30) days from the date of receipt of the complaint thereon.

SEC. 4. The Inter-Agency Task Force shall meet and submit a weekly report on its operations, progress report on the investigations conducted, and its accomplishments to the President of the Philippines.

SEC. 5. The Department of Justice should establish a Secretariat for the technical and staff support of the Inter-agency Task Force.

SEC. 6. The Secretary of Budget and Management is hereby authorized to immediately release FIVE MILLION PESOS (P5,000,000.00) for the implementation of the Witness Protection Act (R.A. No. 6981), subject to the usual accounting and auditing requirements.

SEC. 7. The Secretary of Justice shall issue rules and regulations to implement this Administrative Order.

SEC. 8. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 24th day of October, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 246
CREATING A COMMITTEE TO INVESTIGATE AND DETERMINE ALL THE FACTS AND
CIRCUMSTANCES REGARDING THE ALLEGED ILLEGAL ACT OR INVOLVEMENT OF
CERTAIN FINANCIAL INSTITUTIONS IN A FRAUDULENT TRANSACTION
WITH WESTINGHOUSE

There is hereby created a Committee for the purpose of investigating and determining all the facts and circumstances regarding the alleged illegal act or involvement of certain financial institutions in a fraudulent transaction with the Westinghouse.

The Committee shall be composed of:

Hon. Eduardo G. Montenegro	- Chairman
Undersecretary of Justice	
Hon. Jaime L. Guerrero	- Member
Deputy Chairman	
Presidential Committee on the Philippine Nuclear Power	
Plant (PC-PNPP)	
Hon. Adolfo S. Azcuna	- Member
Chairman, Philippine National Bank	

For the purpose of the investigation, the Committee is hereby granted all the powers of an investigating body under Sections 21 and 580 of the Revised Administrative Code, including the power to summon witnesses, administer oaths, take testimony or evidence relevant to the investigation, and to obtain compulsory processes to produce documents, books, records and such other matters in the performance of its functions.

The PC-PNPP shall establish a Secretariat for the technical and staff support of the Committee.

All the departments, bureaus, offices, agencies or instrumentalities, including government-owned or controlled corporations are hereby directed to extend such assistance and cooperation as the Committee may need in the discharge of its functions.

The Committee shall submit its findings and recommendations to the President of the Philippines within a period of thirty (30) days from the date hereof.

DONE in the City of Manila, this 25th day of October, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 247

RECONSTITUTING THE SPECIAL PRESIDENTIAL COMMITTEE ON THE PHILIPPINE
VETERANS BANK CREATED BY ADMINISTRATIVE ORDER NO. 29, SERIES OF 1987,
AS AMENDED BY ADMINISTRATIVE ORDERS NOS. 62 AND 90, SERIES OF 1988,
AS A SPECIAL PRESIDENTIAL TASK FORCE FOR THE REOPENING AND
REHABILITATION OF THE PHILIPPINE VETERANS BANK

WHEREAS, the Constitution mandates that the State shall provide immediate and adequate care, benefits and other forms of assistance to World War II veterans and veterans of military campaigns, their surviving spouses and orphans, and shall, from time to time, review to upgrade the pensions and other benefits due to retirees of both the Government and the private sectors (Sections 7 and 8, Article XVI, 1987 Constitution);

WHEREAS, Republic Act No. 6948 declares to be the policy of the State to help foster the socio-economic security and general well-being of the country's veterans in recognition of their patriotic services in times of war and peace for the cause of freedom and democracy; for the attainment of national unity, independence, and socio-economic advancement; and for the maintenance of peace and order, in keeping with the goals of the Government and the aspirations of the people;

WHEREAS, there is a need for the preparation of a viable plan to promote the welfare of the veterans in line with the policy of the State to foster their socio-economic security and general well-being and to extend to them substantial support for their livelihood and income-generating projects, the operation of bank cooperatives and other projects to alleviate poverty;

WHEREAS, the Special Presidential Committee on the Philippine Veterans Bank (PVB) submitted on January 25, 1990 its Final Report favorably recommending the reopening and rehabilitation of the PVB based on, among others, the Commission on Audit Report and the professional appraisal of PVB's assets and liabilities;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Special Presidential Committee on the Philippine Veterans Bank is hereby reconstituted into a Special Presidential Task Force for the Reopening and Rehabilitation of the Philippine Veterans Bank (PVB) composed of the following:

LEONARDO A. QUISUMBING	- Chairman
Undersecretary of National Defense	
BGen. ERNESTO S. GIDAYA (Ret.)	- Member
Col. EMMANUEL V. DE OCAMPO (Ret.)	- Member
BGen. SEGUNDO L. GAZMIN (Ret.)	- Member
BGen. CRISPINO N. DE CASTRO (Ret.)	- Member
Col. JUANITO P. FERRER (Ret.)	- Member
Philippine Deposit Insurance Corporation	
REPRESENTATIVE	
Atty. LUIS T. SAMSON	- Member

Atty. PEREGRINO M. ANDRES	- Member
Professor JOSE FERRO	- Member

SEC. 2. The Special Presidential Task Force for the Reopening and Rehabilitation of the Philippine Veterans Bank shall have the following functions:

- a. Forge/arrange a written agreement with the Department of Finance on the treatment of its funds in the PVB;
- b. Prepare, finalize and submit the PVB Rehabilitation Plan already initiated by a technical committee of the Veterans Federation of the Philippines (VFP) for the approval by the Monetary Board and other government bodies concerned in order to reopen the PVB;
- c. Prepare the appropriate legal measures, including the drafting of bills for Congress intended to boost the rehabilitation and successful long-term operations of the PVB;
- d. Select and organize the initial manning force headed by a management team to be composed of competent, experienced and professional managers and staffed by a trained workforce: Provided, That preference shall be given to veterans and their dependents, other qualifications being equal;
- e. Provide for the transition to the actual implementation of the PVB Rehabilitation Plan by exercising management oversight and securing liaison with the Central Bank officers at the PVB for a period which shall not exceed two (2) months reckoned from the date of approval by the Monetary Board of the reopening and rehabilitation of PVB; and
- f. Submit other recommendations necessary and proper for the purpose of the successful reopening, rehabilitation and operation of the PVB after the withdrawal of CB-PVB Liquidator's staff officers.

SEC. 3. All departments, bureaus, offices and instrumentalities of the Executive Department are hereby directed to assist the Task Force in the performance of its duties.

SEC. 4. The amount of Two Hundred Fifty Thousand Pesos (₱250,000.00) subject to the availability of funds and the usual accounting and auditing rules and regulations, is hereby allocated from the President's Contingent Fund and ordered released for the necessary expenses of the Task Force.

SEC. 5. The Task Force shall submit to the Monetary Board a Rehabilitation Plan within two (2) months from the date of its initial meeting pursuant to this Administrative Order and monthly progress reports thereafter.

SEC. 6. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 29th day of October, in the year of our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 248

REQUIRING ALL AGENCIES OF THE NATIONAL GOVERNMENT, INCLUDING STATE COLLEGES AND UNIVERSITIES, GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS AND THEIR SUBSIDIARIES, AND LOCAL GOVERNMENT UNITS TO PURCHASE RICE SUPPLY REQUIREMENTS FROM THE NATIONAL FOOD AUTHORITY

WHEREAS, the National Food Authority (NFA) is mandated by law to procure palay and corn from the farmers to stabilize the supply and price of the said commodities, as well as to prevent an abnormally low price of the same;

WHEREAS, the NFA has an abnormally huge inventory of rice and corn, which it has not been able to convert into cash to generate funds for the procurement of palay and corn from the farmers, as well as to pay off its maturing obligations;

WHEREAS, there is an imperative need to address this emergency and the imminent crisis in the rural areas as a result of depressed farm-gate prices of palay and corn, which in turn is caused by NFA's limited finances for procurement;

WHEREAS, it is in consonance with public interest and necessity that NFA's rice stocks, which were purchased with government funds, be monetized and thus could be utilized in stabilizing the farm-gate prices of palay and corn;

WHEREAS, it is to the national interest that government agencies, branches, subdivisions, instrumentalities, including government-owned or controlled corporations, with rice requirements purchased out of government funds be required to purchase their rice requirements from the NFA;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, pursuant to the powers vested in me by law, do hereby order:

1. All agencies of the national government, including state colleges and universities, government-owned or controlled corporations and their subsidiaries, and local government units, are hereby ordered to purchase all their rice supply requirements for their operational needs from the National Food Authority at the price of ₱400.00 per cavan of well milled rice.

2. Government agencies with valid outstanding written agreement with private parties for the supply of their rice requirements shall, if legally feasible and allowed under such written agreements, suspend or defer the implementation thereof, during the effectivity of this Order. In case the contracts do not allow deferment or suspension, the government agencies concerned are hereby instructed to negotiate for the deferment/suspension of the contract for the duration of this Order. Such contracts, however, may be extended for a period of 4 consecutive months.

3. The funds to be used to purchase the said rice requirements shall be sourced from the existing funds allotted by the government agency for its rice supply requirements.

4. The selling price of NFA well-milled rice of ₱400.00 per cavan shall be applicable only to the rice requirements to be purchased in compliance with this Order and for no other purpose.

5. Any purchase of the rice requirements made by government agencies, state colleges and universities, government-owned or controlled corporations including their subsidiaries, and local government units from sources other than the NFA, shall not be passed in audit by the Commission on Audit.

6. This Order shall be effective from December 1, 1991 to March 31, 1992 only unless further extended.

7. The NFA shall formulate the necessary guidelines in order to implement this Order.

This Order shall take effect immediately upon publication in a newspaper of general circulation.

Done in the City of Manila, this 30th day of October, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). [*Administrative Order Nos.: 151 - 289*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 249
CREATING AN INTER-AGENCY COMMITTEE FOR THE MANILA BAY TIDAL CONTROL
STRUCTURE PROJECT AND FOR OTHER PURPOSES

WHEREAS, a tidal control structure across the entrance of Manila Bay from Cavite to Bataan, via Corregidor, has been identified as a potentially viable facility that would control the water level of the bay in order to effect significantly better drainage and flood control for the adjoining land areas in Metro Manila, Central Luzon, and neighboring localities, aside from providing a huge supply of water for drinking and industrial uses, irrigation, and fish culture, enabling navigation through the facility, as well as road transport on top of the structure, generating reclaimed lands for agricultural, commercial, industrial, and residential uses, and providing other related functions;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order the following:

SECTION 1. An Inter-Agency Committee for the Manila Bay Tidal Control Structure Project is hereby created, composed of the Secretary of Public Works and Highways as Chairman, and the Secretary of Environment and Natural Resources, the Secretary of Interior and Local Government, the Secretary of Agriculture and the Secretary of Transportation and Communications as Members.

SEC. 2. The main tasks of the Committee are the following:

- a. Conduct a prefeasibility/feasibility study of the proposed project, covering the various aspects mentioned above, including the necessary surveys, investigations, and engineering activities, to establish and confirm the technical, economic, social, environmental, financial, and operational viability of the project.
- b. Coordinate and consult with all concerned agencies and groups, both government and private, in the conduct of such prefeasibility/feasibility study.
- c. Based on the results of the said study, recommend or take the necessary follow-up steps to pursue the project implementation, including detailed design and construction, thru build-operate-and-transfer schemes and/or other appropriate arrangements.

SEC. 3. The Committee shall be assisted by the Administrator, Metropolitan and Sewerage Authority; Administrator, National Irrigation Administration; Administrator, Public Estates Authority; Director, Bureau of Fisheries and Aquatic Resources, and other concerned agencies of the Government as may be determined by the Committee.

SEC. 4. The expenses of the Committee for the conduct of the necessary studies and investigations shall be shared by the member-agencies from their respective budgets.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 11th day of November, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 250
DISMISSING FROM THE SERVICE FOURTH ASSISTANT PROVINCIAL PROSECUTOR
ROMEO H. MEDIODIA OF THE PROVINCIAL PROSECUTOR'S OFFICE OF ILOILO

This refers to the administrative complaints for a) Insubordination, and b) Grave Misconduct and Oppression against Fourth Assistant Provincial Prosecutor Romeo H. Mediodia of the Provincial Prosecutor's Office of Iloilo.

The relevant antecedent facts are related in the Memorandum for the President dated January 25, 1991 of the Secretary of Justice, to wit:

“The administrative complaint for insubordination was filed by Provincial Prosecutor Vicente Aragona of Iloilo against the respondent.

“Prosecutor Aragona alleges that on November 10, 1989, operatives of the Narcotics Command (NARCOM) conducted a buy-bust operation which resulted in the arrest of one Efraim Baldeo. A complaint for violation of Section 4, Article II of R.A. 6425, as amended, otherwise known as ‘The Dangerous Drugs Act of 1972’ was thereupon filed by NARCOM with the Office of the Provincial Prosecutor of Iloilo against Efraim Baldeo and docketed therein as I.S. No. 89-111. After preliminary investigation, a resolution was issued on November 14, 1989 finding Baldeo prima facie liable for the offense charged and a criminal information was filed with the Regional Trial Court of Iloilo and docketed as Criminal Case No. 33820. No bail was recommended. During the arraignment on December 7, 1989, accused Baldeo, through counsel, expressed to the court his desire to plead guilty to a lesser offense. When asked to comment, being the trial prosecutor assigned in said court, respondent Mediodia allegedly requested for a recess and thereafter sought Prosecutor Aragona's advice. The Provincial Prosecutor advised respondent herein to interpose an objection to the intended plea of the accused, reminding him therefor of the objectives of the Department's Memorandum Circular dated November 15, 1989, warning against the soft-glove handling of cases involving violations of the Dangerous Drugs Act and other related cases. Prosecutor Aragona learned later that his subordinate, the respondent herein, had defied his instructions and that of the Department Memorandum Circular on the matter because the trial court issued an order imposing upon accused Baldeo the penalty of imprisonment of two (2) years and a fine of Two Thousand Pesos (₱2,000.00) after the accused pleaded guilty to the lesser offense of violation of Section 13 of R.A. 6425 without respondent's objection.

“Complainant Prosecutor Aragona avers that a mere perusal of the facts and circumstances attendant to the arrest of accused Baldeo, as appearing in the information filed in court, would readily show the inapplicability of Section 13

of R.A. 6425, even as a lesser offense, considering that the accused was caught not only in the act of selling, distributing and/or delivering 20 sticks of cigarettes containing marijuana, but also having in his possession 30 sticks of cigarettes containing marijuana. Certainly, Section 4 (Sale, administration, delivery, distribution and transportation of prohibited drugs) and Section 8 (Possession or use of prohibited drugs) would be more applicable on the case. Section 13, which deals with possession of opium pipe and other paraphernalia for prohibited drugs, would have no application to the case since what were recovered from the accused was neither a pipe, equipment, instrument, apparatus or paraphernalia, but sticks of cigarettes containing marijuana. Based, therefore, on the facts of the case, the lesser offense that accused could have pleaded guilty to would have been under Section 8 of R.A. 6425, the penalty of which is imprisonment ranging from six years and one day to twelve years and a fine ranging from ₱6,000.00 to ₱12,000.00.

“In his comment/answer, respondent Mediodia did not dispute the claim of Provincial Prosecutor Aragona that the former did not interpose any objection to accused Baldeo’s entering a plea of guilty to the lesser offense of violation of Section 13 of R.A. 6425. He claims, however, that his action was prompted by the fact that the NARCOM agents themselves, who were witnesses for the prosecution, did not offer any objection thereto as it was in conformity with the instruction of their Commander. He alleged that if he persisted in the prosecution of the accused for violation of Section 4 of R.A. 6425, as originally charged, the latter’s acquittal would have been a foregone conclusion considering the testimonies that the NARCOM agents would give. Hence instead of going through the tedious process of presenting evidence which would, anyway, be insufficient to warrant conviction, he opted to dispose of the case by consenting to the plea of the accused to a lesser offense. In support of his defense, respondent submitted the affidavit of Judge Norberto E. Devera, Jr., Presiding Judge, Branch 24, Regional Trial Court of Iloilo wherein he considered (respondent’s) actuation as ‘procedurally correct and unassailable.’

“The other administrative complaint against the respondent was initiated by Ely P. Convocar, allegedly representing complainants Minda Faldas and Luceño Bayot, for Grave Misconduct and Oppression (the latter charge consisting of ‘abuse of judicial power and personal intervention’).

“The complaint arose out of Criminal Case No. 1137 entitled ‘People of the Philippines versus Jorge Dato-on’ for Multiple Murder, originally filed with the 4th Municipal Circuit Trial Court of San Dionisio and Concepcion, Iloilo and transmitted for appropriate action to the Office of the Provincial Prosecutor of Iloilo. The case was subsequently assigned to the respondent for preliminary investigation. In a resolution dated November 9, 1988, the respondent dismissed the case at the instance of complainants Minda Faldas and Luceño Bayot who executed a joint affidavit of desistance. The victims in the case against Jorge Dato-on were Marlon Faldas and Joemarie Faldas, children of complainant Minda Faldas, and Rudy Bayot, son of complainant Luceño Bayot.

“Ely Convocar, in his letter-complaint dated December 5, 1988, alleged that on November 9, 1988, in response to a summons from the respondent,

complainants Faldas and Bayot went to the Office of the respondent where they were ‘persuaded’ by the respondent to accept the amount of Eleven Thousand Pesos (₱11,000.00) for each victim as payment in the settlement of the case against Jorge Dato-on. They refused to accept the settlement amount. However, the respondent continued to exert pressure on them saying that ‘it is better you were paid, you should be happy for that’. Thereafter, the respondent produced three bundles of money from his drawer, extracted One Thousand Pesos (₱1,000.00) from each of the three bundles, handed the remaining amount to them and ordered them to go home. The complainants aver that the settlement, engineered by the respondent prejudiced them because ‘justice was not implemented equally.’

“Subsequently, Ely Convocar, without the participation of complainants Faldas and Bayot, withdrew the complaint against the respondent. The Secretary of Justice, desirous of being informed as to the real status of the complaint, designated City Prosecutor Efrain V. Baldago of Iloilo City to conduct an investigation of the administrative complaint.

“In the course of the investigation conducted by City Prosecutor Baldago, the respondent, through counsel, submitted his brief-memorandum assailing the charges against him as being baseless, having been filed by Ely Convocar who was not authorized to so file the complaint and who was motivated by greed, and pursued by Provincial Prosecutor Aragona out of vengeance. He cited several instances when complainant Faldas manifested her desire and/or intent not to pursue the complaint against the respondent. During the investigation conducted by the NBI, she stressed that ‘they have really no intention of filing any complaint against Romeo H. Mediodia’ and that complainant’s Joint Affidavit dated November 28, 1988 (attached to the letter-complaint of Ely Convocar) was not explained to them. Likewise, in her letter dated August 11, 1990 and submitted to City Prosecutor Baldago, complainant Faldas stated that she is not interested in the investigation against the respondent because she has no complaint against him. These statements, he avers, are proofs that no pressure was exerted upon complainants Faldas and Bayot in the settlement of their case against Jorge Dato-on and that no money was given to the respondent.

“After investigation, City Prosecutor Baldago issued a resolution dated October 22, 1990 incorporating his findings and recommendation on the administrative complaint under consideration. In the said resolution, City Prosecutor Baldago recommended that the respondent be dismissed from the service.”

The Secretary of Justice, in his said Memorandum, concurred in the recommendation of City Prosecutor Baldago for respondent’s dismissal from the service. We quote the pertinent findings and conclusions of the Secretary of Justice:

“In the complaint for Insubordination, it is not disputed that the respondent defied a valid order of complainant Provincial Prosecutor Aragona, respondent’s immediate superior, to enter an opposition to the plea to a lesser offense by accused Baldeo. While respondent may have a reason for disagreeing with his superior and taking a different course of action, prudence and respect for

authority demand that the former should have first discussed the matter with the latter, especially in the case where respondent's action negated the seriousness of the offense committed by the accused, thus adversely affecting the integrity and effectivity of the National Prosecution Service in the administration of justice. By disobeying the lawful order of his superior, respondent had, in effect substituted his own judgment to that of his superior, to the detriment of the service. This is the essence of insubordination and it cannot be countenanced.

"The complaint for Insubordination against the respondent, in this instance, serves as an aggravating circumstance to the other administrative complaint against the same respondent for Grave Misconduct and Oppression.

"The findings of City Prosecutor Baldago in the Grave Misconduct and Oppression case are supported by the record and we find no reason to divert from the same.

"Thus, as found by City Prosecutor Baldago, while complainants had jointly executed an Affidavit of Desistance dated November 9, 1988, they also executed a joint affidavit dated November 28, 1988 stating that they were told and persuaded by the respondent, against their will, to accept the settlement money and afterwards, the latter took Three Thousand Pesos (P3,000.00) from the three bundles of money for his own personal use. Thereafter, complainant Minda Faldas confirmed and reiterated these implicatory allegations when she was investigated by NBI Agent Juan Y. Amame on May 14, 1990. Once again, complainant Faldas reiterated the same charges against the respondent when she was interviewed on July 27, 1990 by Restituto Jotiz, Jr. (aka Agent Korantay) of Bombo Radio, Iloilo. The interview was recorded on tape. On August 24, 1990, complainant Faldas submitted an affidavit dated August 4, 1990 absolving the respondent of all charges she had made against him and, in two hand written letters, urged the dismissal of the administrative case as she was no longer interested in pursuing the same.

"During the investigation when complainant Minda Faldas appeared, she testified to the fact that the statements she made in her joint affidavit with Luceno Bayot dated November 28, 1988, those she made to NBI Agent Juan Y. Amame, and the interview she gave to Bombo Radio, Iloilo were all voluntarily made, given and executed by her. The evidence adduced therefrom is that a settlement of the multiple murder case was effected and the payment of the settlement money was facilitated by the respondent. There was no showing that complainants were motivated by intentions other than to tell the truth regarding the incident which led to the purported settlement, and subsequent dismissal, of the criminal case against Jorge Dato-on.

"With respect to the retraction of complainant Faldas, City Prosecutor Baldago found the reasons therefor as grounded on 'no serious' considerations. Ostensibly, complainant was retracting her accusations against the respondent because she was not in a 'proper mental state' when she made her incriminating statements and that she wants to 'have peace of mind.' However, the real reason for complainant's recantation was revealed by Sgt. Franklin Catequista, Station Commander, Batad Police Station where he testified that complainant was retracting her statements against the respondent because she was 'afraid of Fiscal

Mediodia (the respondent) and his companions and that she was (fearful for) her safety x x x and that they have returned the amount of ₱2,000.00.' In this wise, the recantation may be said not to have been voluntarily executed by the complainant but was secured through a nefarious mixture of pressure, threat and reward. A retraction secured through fear and intimidation, or through promise of reward, is frowned upon and disregarded as competent evidence. Thus, the recantation of complainant Faldas is set aside as being without effect.

"In regard to respondent's allegation that his superior, Provincial Prosecutor Aragona, is the moving spirit behind the complaints of Faldas and Bayot, there is no scintilla of evidence to support the same.

"It has been noted that in both complaints, respondent had abused the trust reposed upon him by virtue of his office. Respondent has shown a manifest propensity to misuse his position and the powers and authority appurtenant thereto to the detriment of the service and the policies of government. Respondent is no longer deserving of our trust and confidence.

"IN VIEW WHEREOF, it is respectfully recommended that respondent Fourth Assistant Provincial Prosecutor ROMEO H. MEDIODIA of Iloilo be dismissed from the service with forfeiture of pay and benefits."

After a circumspect review, I am in complete accord with the above findings and recommendation of the Secretary of Justice.

WHEREFORE, and as recommended by the Secretary of Justice, Fourth Assistant Provincial Prosecutor ROMEO H. MEDIODIA is hereby DISMISSED from the service with forfeiture of pay and benefits, effective upon receipt of a copy hereof.

Done in the City of Manila, this 11th day of November, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) MARIANO SARMIENTO II
Deputy Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACANANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 251
IMPOSING THE PENALTY OF DISMISSAL FROM OFFICE WITH FORFEITURE OF
RETIREMENT AND OTHER BENEFITS ON DR. AMIRBAHAL H. ALUK,
CITY SUPERINTENDENT OF SCHOOLS, PAGADIAN CITY

This refers to the administrative case against Dr. Amirbahal H. Aluk, City Superintendent of Schools, Pagadian City, for alleged grave misconduct, conduct prejudicial to the best interest of the service and gross violation of the Civil Service Law (P.D. 807), Anti-Graft and Corrupt Practices Act (RA 3019) and the Code of Conduct and Ethical Standard for Public Officials and Employees (RA 6713).

Records show that the case stemmed from Resolution No. 104, dated April 15, 1988, of the Sangguniang Panlungsod of Pagadian City, after a fact-finding investigation, informing the Secretary of Education, Culture and Sports of certain anomalous activities committed by respondent, Dr. Amirbahal H. Aluk, consisting of receiving sums of money from teacher-applicants in consideration for their appointments or promotions to positions in public schools in Pagadian City. It further requested the Secretary to conduct an impartial fact-finding investigation thereof.

Acting thereon, a fact-finding committee was constituted to conduct a discreet inquiry on the matters alleged in the aforesaid resolution. In its report of July 25, 1991, the fact-finding committee found that a *prima facie* case exists and recommended the filing of appropriate charges against respondent.

On the basis thereof, together with the sworn statements of the teachers and the minutes of the fact-finding session of the Sangguniang Panlungsod of Pagadian City dated April 4 and 6, 1988, the Secretary of Education, Culture and Sports *motu proprio* filed, on August 6, 1991, formal charges against respondent for grave misconduct, conduct prejudicial to the best interest of the service and gross violation of the Civil Service Law (PD 807), Anti-Graft and Corrupt Practices Act (RA 3019) and the Code of Conduct and Ethical Standard for Public Officials and Employees (RA 6713), committed as follows:

“That sometime in May, 1990 you received the amount of FIFTEEN THOUSAND PESOS (₱15,000.00) from Meriam Alviar at your residence at Kawit, Pagadian City in consideration of her appointment as substitute teacher at Macasing Elementary School, Macasing, Pagadian City and her reappointment in January 1991;

“That sometime in September, 1990 you received the amount of FIFTEEN THOUSAND PESOS (₱15,000.00) from Miss Charissa C. Alcasid at your residence in Kawit, Pagadian City in consideration of her appointment as a school teacher at Macasing Elementary School.

“That you received from Edwin Magatao the total amount of ₱9,000.00 and two goats costing ₱500.00 and requiring him to work in the construction of the extension of your house in consideration of his appointment.

“That you received the amount of ₱3,000.00 from Mr. Marciano Mong; ₱4,000.00 from Mr. Roque Alicorte; ₱5,000.00 from Mrs. Zenaida Alaestante; ₱5,000.00 from Mrs. Carmelita Dublin; ₱5,000.00 from Mrs. Rallos and ₱5,000.00 from Mrs. Virginia Briones in consideration of their appointments.

“That most of the applicants were not extended appointments but were only given order of assignments and therefore failed to receive the salary due them.”

“That you appointed Angela Mariño, rank No. 14; Rhodora Roda, rank 44; Maria Cherrylyn Teves, rank 26 and Abella Tamayo, rank 133 ahead of Merlinda W. Gallos who was then rank No. 6.”

In his “Answer with Motion to Dismiss”, dated August 28, 1991, respondent parries the charges against him by resolute denials. He claims that the charges proffered are false, and initiated by people with ulterior motives.

The evidence for the complainant presented at the formal hearing are stated in the letter-report, dated September 18, 1991, of the Special Investigators, thus:

“1. Edwin Magatao, in his affidavit Exh. A and his testimony during the hearing claims that he was appointed substitute teacher in different schools; that he gave Supt. Aluk ₱4,000.00 in his office, ₱3,000.00 while in Dao, 2 goats costing ₱500.00 each while he was in Palpalan and ₱2,000.00 in the house of the respondent in Kawit, Pagadian City, a total amount of ₱10,00.00; that during his off days Mr. Aluk would invite him to his house in Kawit where he worked in the repair of the fence and extension of the house together with other teachers, ‘gratis et amore’.

“2. Marciano Mong, under oath confirmed his sworn statement that he gave ₱3,000.00 to Dr. Aluk in his house in consideration of his appointment in the year 1987.

“3. Charissa Alcasid testified and confirmed her allegations in her sworn statement, Exh. “E” that she gave ₱15,000.00 to Mr. Aluk in the latter’s house in Kawit, Pagadian City sometime in September 1990 with her mother. She claims that Dr. Aluk returned the ₱10,000.00. She also mentioned that other teachers likewise gave certain amount only that they are afraid to testify in the open. She claims that she has not received any salary for the services rendered because she did not have an appointment but merely an order of assignment, Exh. ‘F’.

“4. Mrs. Elsa Alcasid, the mother of Charissa Alcasid corroborated the testimony of her daughter Charissa.

“5. Meriam Alviar testified and confirmed her affidavit, Exh. ‘H’ that she was ranked #18 in 1990; that she gave the amount of ₱15,000.00 to Mr. Aluk sometime in May 1990 in his house at Kawit. She claims Mr. Felipe Caracut as Mr. Aluk’s intermediary. Like Charissa, she was not issued an appointment but only an order of assignment and did not receive her salary for services rendered in Deborok.

“5. Roel Flora, Arsenio Beloy, Pableo dela Cruz and Baltazar Ampay corroborated the testimonies that school teachers like them worked in the house of Mr. Aluk without getting paid. (Exh. L). Marlinda Gallos reiterated her sworn statement, Exh. ‘J’ that she was ranked No. 6 in the rank list but others below

her rank were appointed ahead of her. Other teacher-applicants who allegedly gave certain amount to Mr. Aluk either appeared but belied their allegations given before the Sangguniang Panglunsod and the others did not care to appear.”

On the otherhand, the evidence for the respondent is briefly cited in the same report in the following manner:

“Respondent presented Ludy Detalla, Evelyn Callos, Rhodora Roda, Cadiguia Datukali, Rodrigo Ramirez, Armamen Fontanilla, Tita Martin, Evelyn Laurete, Hermogena P. Berdan, Oscar Dolorin, Judith Rivera, Monelto M. Benitez and Cherrylyn Teves, Welton Dequelito, Laura Zanolao (Exh. I-II inclusive) with a common allegation that respondent Aluk did not received any amount from them in exchange of their appointment nor from 6 other teacher-applicants and that they know Mr. Aluk as an honest and religious man. Mr. Welton Dequelito belied the claim that teachers were not paid for their services and renovation of his house.

“In his affidavit Exh. ‘12’, Respondent Aluk denied the allegations of the teacher-complainants. On cross examination, however, he admits that he does not know of any motive on the part on the teacher-complainants in filing a case against him.”

After due hearing, the Special Investigators found respondent guilty of grave misconduct for asking and receiving money in consideration of the teachers’ appointments and taking undue advantage of his position by requiring teachers under him to work in his house without compensation, and recommended his dismissal (with qualification) from the service in this wise:

“VII. Comments and Observation

“1. The teacher-complainants gave straightforward and unwavering testimony that they gave certain amount to Supt. Aluk. Against this positive testimony, Supt. Aluk merely denied the charges and present witnesses who were not privy to the alleged giving of money and therefore are incompetent to testify that Mr. Aluk did not receive any amount from them (complaining teachers). This is because the witnesses of Mr. Aluk are not all the time with him in his house or in his office.

“2. Mr. Welton Dequelito who testified in favor of Mr. Aluk to the effect that he was paid his salary when he worked in the house of Mr. Aluk during Sundays is also incompetent to testify that Mr. Edwin Magatao, the complaining teacher did not work in the house of Mr. Aluk because Mr. Magatao alleged that he worked not only during holidays but also during vacation time which means that Welton Dequelito would not have seen him since he (Dequelito) used to work in the house of Mr. Aluk only on Sundays.

“VIII. Findings and Recommendations

“After a very careful evaluation of the evidence presented by both parties, the undersigned finds Mr. Aluk guilty of Grave Misconduct (asking and receiving money in consideration of teachers’ appointment) and taking advantage of his position by requiring the teachers under him to work in his house without compensation.

“Mr. Aluk is about to retire under compulsory retirement having been born in 1927. For which, he is entitled to a mitigating circumstances of length of service which is offset by the aggravating circumstances of taking advantage of official position, taking undue advantage of subordinate and habituality.

“Memorandum Circular 30 s. of 1989 classifies the offense as Grave Misconduct punishable by dismissal from the service even as a first offense. In accordance thereto, the undersigned respectfully recommend the dismissal of Supt. Aluk from the service. However, should the Honorable Secretary feels that for humanitarian reasons, a lower penalty should be imposed, Supt. Aluk may be given a penalty short of dismissal which does not carry accessory penalty of forfeiture of retirement benefits and accrued leave of credit like suspension in Office until his compulsory retirement, but respondent Aluk should at least return the amount received by him from the teacher-complainants. Mr. Aluk claims to have been born on October 21, 1927, noted by the Civil Service Commission when he requested for correction of his date of birth from October 21, 1926 to October 21, 1927.”

In his 1st Indorsement of September 20, 1991, the Secretary of Education, Culture and Sports concurred in the findings of the Special Investigators, and recommended that respondent be dismissed from the service with prejudice to retirement benefits.

I am in full accord with the findings of the Special Investigators, as subsequently concurred in by the Secretary of Education, Culture and Sports. The evidence presented by complainants, which are preponderant and convincing, have sufficiently established the guilt of respondent.

Respondent's main defense is mere denial. His denial cannot, however, prevail over the clear and positive testimonies of the complainants (People vs. Pasco, Jr., L-45715, June 24, 1985, 137 SCRA 137). Such denial constitutes self-serving evidence, which should not be afforded any evidentiary weight greater than the declarations of credible witnesses who testify on affirmative matters (People v. Abonada, No. 50041, January 27, 1989, 169 SCRA 530). I am convinced that the statements given by the complainants deserve full faith and credit, it appearing that there is no evidence of any improper motive on their part to falsely testify against respondent.

As regards the common declarations of respondent's witnesses that they have not paid respondent sums of money in consideration of their appointments, the same are irrelevant, since their statements will not prove respondent's innocence because none of them has actual knowledge of the incidents complained of. At best, their testimonies are mere conjectures and surmises, which are not strong enough to exculpate respondent from liability.

The alleged exemplary conduct and good moral character of respondent is not also sufficient reason to acquit the latter, especially so in light of the overwhelming evidence sustaining the findings of his guilt.

WHEREFORE, premises considered, Dr. Amirbahal H. Aluk, City Superintendent of Schools, Pagadian City, is hereby found GUILTY of grave misconduct and, accordingly, DISMISSED from service with forfeiture of retirement and other benefits upon service hereof.

Done in the City of Manila, this 21st day of November, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 252
CREATING THE TASK FORCE ON MINI-HYDROELECTRIC POWER DEVELOPMENT

WHEREAS, Republic Act No. 7156 entitled “An Act Granting Incentives to Mini-Hydroelectric Power Developers and For Other Purposes” declares it “the policy of the State to strengthen and enhance the development of the country’s indigenous and self-reliant scientific and technological resources and capabilities and their adaptation to the country in order to attain energy self-sufficiency and thereby minimize dependence on outside source of energy supply” (Section 2, R.A. 7156);

WHEREAS, in pursuance of this State policy, mini-hydroelectric power developers shall be granted the necessary incentives and privileges to provide an environment conducive to the development of the country’s hydroelectric power resources to their full potential;

WHEREAS, R. A. 7156 vests in the Office of Energy Affairs (OEA) the sole and exclusive authority responsible for the regulation, promotion and administration of mini-hydroelectric power development and the implementation of the provisions of this Act;

WHEREAS, in the exercise of this Task, the Office of Energy Affairs shall promulgate such rules and regulations as may be necessary for the proper implementation and administration thereof in consultation with concerned government agencies;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There is hereby created a Task Force on Mini-Hydroelectric Power Development, hereinafter referred to as the Task Force, to be composed of the Executive Director, Office of Energy Affairs, as Chairman, and senior representatives of the following agencies, as members:

Department of Trade and Industry
National Water Resources Board
National Electrification Administration
National Power Corporation
National Irrigation Administration National Economic and Development Authority

SEC. 2. The Task Force shall assist the Office of Energy Affairs in the promulgation of the rules and regulations to govern mini-hydroelectric power development. Such rules and regulations shall be made subject to consultations with the private sector.

SEC. 3. The rules and regulations to implement the provisions of R.A. 7156 shall include the following:

- (a) Procedures for filing, processing evaluation and approving application for mini-hydroelectric power development;
- (b) Obligations of mini-hydroelectric power developers;
- (c) Terms and conditions for the purchase or for the commission/distributors, as the case may be, of electricity generated by the mini-hydro power developers; and,

- (d) Other matters which shall be necessary to implement R. A. 7156.

SEC. 3. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 22nd day of November, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 253
DESIGNATING THE PHILIPPINE SPORTS COMMISSION TO HEAD THE ORGANIZING
COMMITTEE TO OVERSEE THE HOSTING OF THE 30th WORLD CHESS OLYMPIAD
TO BE HELD IN MANILA FROM JUNE 6 TO 25, 1992

WHEREAS, the period from 1990 to 2000 was declared as the “Decade of Physical Fitness and Sports” under Presidential Proclamation No. 406;

WHEREAS, under Section 7 (c) of Republic Act No. 6847, the Philippine Sports Commission is mandated to “plan and oversee a program to enable the Philippines to bid for and to host the Olympic Games at the earliest possible time”;

WHEREAS, the Presidential Board of the Federation Internationale des Echecs (FIDE) in its meeting in Brussels, Belgium, on March 23 to 24, 1991, the Philippines bid and won the right to host the 30th World Chess Olympiad in Manila from June 6 to 25, 1992;

WHEREAS, the full support and cooperation of all concerned is vital to ensure the success of the 30th World Chess Olympiad;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby direct the Philippine Sports Commission to head the organizing committee to be known as the FIDE Olympiad Congress Manila (FOCMAN '92) and oversee the hosting of the 30th World Chess Olympiad to be held at the Philippine International Convention Centre (PICC) in Manila from June 6 to 25, 1992;

All Heads of Departments, Offices, Agencies, Local Governments, and Instrumentalities of the government are hereby directed to support the 1992 30th World Chess Olympiad in Manila which will be participated in by FIDE members from 128 countries.

Non-Governmental Organizations, National Sports Associations, particularly the Philippine Chess Federation (PCF), and the Private Sector are hereby requested to lend their cooperation to the Philippine Sports Commission and the FOCMAN '92 for the success of the first World Chess Olympiad in the Philippines.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 25th day of November, in the year of Our Lord, nineteen hundred and ninety one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 254

AMENDING ADMINISTRATIVE ORDER NO. 246 DATED 25 OCTOBER 1991 CREATING A COMMITTEE TO INVESTIGATE AND DETERMINE ALL THE FACTS AND CIRCUMSTANCES REGARDING THE ALLEGED ILLEGAL ACT OR INVOLVEMENT OF CERTAIN FINANCIAL INSTITUTIONS IN A FRAUDULENT TRANSACTION WITH WESTINGHOUSE

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The third paragraph of Administrative Order No. 246 dated 25 October 1991 creating a Committee to investigate and determine all the facts and circumstances regarding the alleged illegal act or involvement of certain financial institutions in a fraudulent transaction with Westinghouse is hereby amended to read, as follows:

“For the purpose of the investigation, the Committee is hereby authorized to take testimony or receive evidence relevant to the investigation (*Francia vs. Pecson*, 87 Phil. 100; *Carmelo vs. Ramos*, 6 SCRA 836), which includes the power to administer oaths, summon witnesses, and require the production of documents by subpoena duces tecum pursuant to Section 37, Chapter 9, Book I of the 1987 Administrative Code.”

SEC. 2. A paragraph is hereby added after the sixth paragraph of Administrative Order No. 246 reading, as follows:

“The expenses that may be incurred by the Committee shall be charged against the appropriate funds of the Presidential Committee on the Philippine Nuclear Power Plant, subject to the availability of funds and the usual accounting and auditing requirements.”

SEC. 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 25th day of November, in the year Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 255
RECONSTITUTING THE MEMBERSHIP OF THE RIZAL DAY NATIONAL COMMITTEE IN
CONNECTION WITH THE OBSERVANCE OF THE 95TH DEATH ANNIVERSARY OF
DR. JOSE P. RIZAL ON DECEMBER 30, 1991.

I, CORAZON C. AQUINO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby reconstitute the membership of the Rizal Day National Committee in connection with the observance of the 95th Death Anniversary of Dr. Jose P. Rizal on December 30, 1991, as follows:

Hon. ISIDRO D. CARIÑO	– Chairman
Secretary of Education, Culture & Sports	
Hon. CESAR N. SARINO	– Member
Acting Secretary of the Interior & Local Government	
Hon. EDMUND MIR	– Member
Undersecretary of Public Works & Highways	
Hon. FELICIANO A. GACIS	– Member
Undersecretary of National Defense	
Hon. NARZALINA Z. LIM	– Member
Undersecretary of Tourism	
Hon. CORAZON ALMA DE LEON	– Member
Undersecretary of Social Welfare & Development	
Hon. JESUS BERINGUELA	– Member
Undersecretary of Budget and Management	
Hon. HORACIO PAREDES	– Member
Undersecretary, Presidential Press Office	
Hon. SERGIO A. BARRERA	– Member
Ambassador, Chief of Presidential Protocol	
Hon. IGNACIO R. BUNYE	– Member
Chairman, Metropolitan Manila Authority	
Hon. GEMILIANO C. LOPEZ, JR.	– Member
City Mayor of Manila	
Hon. SERAFIN QUIASON, JR.	– Member
Chairman, National Historical Institute	
Hon. ELIAS C. LOPEZ	– Member
Supreme Commander of the Knights of Rizal	
Hon. LEONOR INES LUCIANO	– Member
President of the National Council of Women of the Philippines	

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 17th day of December, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 256

FURTHER AMENDING ADMINISTRATIVE ORDER NO. 246 DATED 25 OCTOBER 1991 AS AMENDED, CREATING A COMMITTEE TO INVESTIGATE AND DETERMINE ALL THE FACTS AND CIRCUMSTANCES REGARDING THE ALLEGED ILLEGAL ACT OR INVOLVEMENT OF CERTAIN FINANCIAL INSTITUTIONS IN A FRAUDULENT TRANSACTION WITH WESTINGHOUSE

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The second paragraph of Administrative Order No. 246 dated 25 October 1991 is hereby amended to read, as follows:

“The Committee shall be composed of:

Hon. Eduardo G. Montenegro	–	Chairman
Undersecretary of Justice		
Hon. Jaime L. Guerrero	–	Member
Deputy Chairman		
Presidential Committee on the Philippine Nuclear Power Plant (PC-PNPP)		
Hon. Salvador M. Enriquez, Jr.	–	Member
Undersecretary of Budget and Management”		

SEC. 2. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 20th day of December, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 257

AUTHORIZING THE PHILIPPINE NATIONAL POLICE (PNP) TO CONTINUE COLLECTING FEES AND CHARGES THAT USED TO BE COLLECTED BY AGENCIES ABSORBED BY THE PNP, TREATING THE COLLECTION AS TRUST RECEIPTS AND GRANTING THE CHIEF, PNP, THE AUTHORITY IN THE USE THEREOF, SUBJECT TO THE APPROVAL OF THE SECRETARY OF THE INTERIOR AND LOCAL GOVERNMENT

WHEREAS, Book VI, Chapter 5, Section 44, of the 1987 Administrative Code provides that all income from government instrumentalities shall accrue to the unappropriated surplus of the General Fund, unless specifically provided by law;

WHEREAS, Book VI, Chapter 5, Section 45, of the 1987 Administrative Code regulates the recording and application of the special, fiduciary and trust funds;

WHEREAS, Book VI, Chapter 5, Section 35, of the 1987 Administrative Code defines the use of special budgets for lump-sum appropriations;

WHEREAS, Section 2 of the General Provisions of the Annual General Appropriations Act further reiterates the provisions of Book VI, Chapter 5, Sections 35 and 45, of the 1987 Administrative Code;

WHEREAS, Executive Order No. 1002 dated January 25, 1985 authorizes the Armed Forces of the Philippines (AFP) to treat as trust receipts the fees collected from certain operations and in the exercise of its regulatory functions and grants the AFP Chief of Staff authority to utilize the same;

WHEREAS, by virtue of the absorption of the Philippine Constabulary (PC) and the functions of the Philippine Coast Guard (PCG) and the Philippine Air Force Security Command (PAFSECOM) into the Philippine National Police (PNP) pursuant to Republic Act No. 6975, statutory and regulatory functions must be continued by the PNP and revenues derived therefrom must accrue to the PNP;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Authority to Collect Fees. - Fees authorized to be collected by the Philippine Constabulary, the Integrated National Police and the AFP Units absorbed by the Philippine National Police in the implementation of its statutory functions and the direct cost of operations from the various government agencies requesting for the use of PNP equipment and facilities shall henceforth be collected by the Philippine National Police.

SEC. 2. Authority to Use Income. - Fees collected in Section 1 hereof shall be classified as trust receipts and shall be deposited in an authorized government depository bank or in the National Treasury. Increments or the whole amount thereof shall be made available to the Chief of the PNP to augment the PNP appropriations, subject to the approval of the Secretary of the Interior and Local Government. Payments out of such fund shall be made in accordance with the purpose for which the fund is created and subject to accounting and auditing regulations.

SEC. 3. Rules and Regulations. - The Secretary of the Budget and Management and the Secretary of the Interior and Local Government shall issue such rules and regulations that will effectively

carry out the provisions of this Administrative Order, subject to the concurrence of the Chairman, Commission on Audit.

SEC. 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 27th day of December, in the year of Our Lord, nineteen hundred and ninety-one.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1991). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 258
CREATING A NATIONAL CITIZENS COMMITTEE IN CONNECTION WITH THE
COMMEMORATION OF THE SIXTH ANNIVERSARY OF THE FEBRUARY 22 TO 25, 1986
REVOLUTION

WHEREAS, the February 22 to 25, 1986 Revolution marked a milestone in Philippine history by effecting the restoration of the democratic institutions and ushered in meaningful political, social and economic reforms; and

WHEREAS, People Power - the spontaneous demonstration of the citizens' solidarity and strength and the unequivocal manifestation of their commitment to return to a genuine and working democracy and transform the Philippine society and chart a new course for their country - sustained the success of the February 22 to 25, 1986 Revolution;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. A National Citizens Committee is hereby created in connection with the activities in commemoration of the February 22 to 25, 1986 Revolution. The Committee shall be headed by Ms. Tita de Villa and shall be composed of representatives from the private sector and the nongovernment organizations (NGOs).

SEC. 2. The Committee shall coordinate with the Office of the Executive Secretary, Office of the President.

SEC. 3. The Committee shall have the following functions:

- A. Formulate and implement a comprehensive plan for the commemoration of the Sixth Anniversary of the February 22 to 25, 1986 Revolution; and
- B. Direct, supervise and coordinate the participation of all sectors who intend to join and to actively participate in the commemoration.

SEC. 4. The Secretary of the Department of Budget and Management is hereby authorized to allocate the amount necessary to support the financial requirements of the commemoration.

SEC. 5. All departments, bureaus, offices, agencies or instrumentalities of the Government, including government-owned or controlled corporations, are hereby directed to extend such assistance and cooperation as the Committee may need in the discharge of its functions.

SEC. 6. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 14th day of January, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 259
ABOLISHING THE PROJECT FACILITATION COMMITTEE AND THE COMMITTEE ON
OFFICIAL DEVELOPMENT ASSISTANCE AND TRANSFERRING THEIR FUNCTIONS,
APPROPRIATIONS, PERSONNEL, RECORDS AND EQUIPMENT TO THE COORDINATING
COUNCIL OF THE PHILIPPINE ASSISTANCE PROGRAM

I, CORAZON C. AQUINO, President of the Philippines, pursuant to the power vested in me under Book III, Title III, Chapter 10, Section 31 of the 1987 Administrative Code, do hereby order:

SECTION 1. The Project Facilitation Committee created/reorganized/reconstituted under Memorandum Orders Nos. 131, 288 and 303 dated November 18, 1987 and April 2 and June 20, 1990, respectively, and the Committee on Official Development Assistance created under Administrative Order No. 128 dated June 23, 1989 are hereby abolished.

SEC. 2. The functions, appropriations, personnel, records and equipment of the Project Facilitation Committee and the Committee on Official Development Assistance are hereby transferred to the Coordinating Council of the Philippine Assistance Program created under Administrative Order No. 105 dated January 13, 1989.

SEC. 3. The Chairman of the Coordinating Council of the Philippine Assistance Program is hereby authorized to adopt the necessary implementing guidelines on the integration of the functions, appropriations, personnel, records and equipment of the Project Facilitation Committee and the Committee on Official Development Assistance into the Coordinating Council of the Philippine Assistance Program.

SEC. 4. Memorandum Orders Nos. 131, 288 and 303 dated November 18, 1987 and April 2 and June 20, 1990, respectively, and Administrative Order No. 128 dated June 23, 1989 are hereby revoked.

SEC. 5. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 15th day of January, in the year of our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 260

DIRECTING THE SANGGUNIANs OF ALL CITIES AND MUNICIPALITIES TO ENACT A LOCAL TAX ORDINANCE LEVYING A COMMUNITY TAX PURSUANT TO SECTION 156 OF REPUBLIC ACT NUMBERED SEVENTY-ONE HUNDRED AND SIXTY, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

WHEREAS, under the provisions of Section 156 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 (hereinafter referred to as the Code), the residence tax levied and administered by the National Government pursuant to Section 38 of the Local Tax Code (Presidential Decree No. 231, as amended) has been transformed from a national tax to a local tax;

WHEREAS, under said Section 156 of the Code, a new tax, known as the community tax, may be levied and collected by cities and municipalities; and

WHEREAS, a local tax ordinance should be enacted by the sanggunians of all cities and municipalities imposing said community tax before the same can be collected and a community tax certificate therefor be issued accordingly;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The sanggunians of all cities and municipalities, including those comprising the Metropolitan Manila Area, shall enact, effective as of 1 January 1992, their respective tax ordinances levying the community tax at the following schedules:

A. For individual taxpayers -

1. Basic tax - ₱5.00
2. Additional tax of not exceeding ₱5,000.00 for the following:
 - a. Gross receipts or earnings derived from business during the preceding year - ₱1.00 for every ₱1,000.00
 - b. Salaries or gross receipts or earnings derived from the exercise of profession or the pursuit of any occupation during the preceding year - ₱1.00 for every ₱1,000.00
 - c. Income from real property during the preceding year - ₱1.00 for every ₱1,000.00

B. For corporate taxpayers -

1. Basic tax - ₱500.00
2. Additional tax of not exceeding ₱10,000.00 for the following:
 - a. Assessed value of real property - ₱2.00 for every ₱5,000.00
 - b. Gross receipts or earnings derived from business in the Philippines during the preceding year - ₱2.00 for every ₱5,000.00

SEC. 2. The ordinance enacted for the purpose shall also specify the manner and time for payment, including the penalty for failure to pay the tax not later than the last day of February of each year in accordance with the provisions of Section 161 of the Code.

SEC. 3. Pursuant to the provisions of paragraph (b) of Section 164 of the Code, the tax ordinance shall authorize the city or municipal treasurer to deputize the barangay treasurers to collect

the community tax in their respective jurisdictions. However, said deputation shall be limited to the community tax payable by individual taxpayers and shall be extended only to barangay treasurers who shall be properly bonded in accordance with existing laws.

SEC. 4. In view of the urgency of the enactment of the local tax ordinance herein referred to and considering that the rates of community taxes payable by individuals and corporations are fixed under Sections 157 and 158 of the Code, no public hearing shall be required for the purpose.

SEC. 5. The local treasurers are hereby authorized, pending the distribution by the Bureau of Internal Revenue of the new form for the community tax certificate, to use for the purpose the blank forms of residence certificates that may still be in their stock, with the proper changes being made thereon.

SEC. 6. The Secretary of Finance is hereby authorized to prescribe, from time to time, such procedures and guidelines as may be deemed necessary for the proper and effective implementation of this Order.

SEC. 7. This Order shall take effect immediately.

DONE in the City of Manila, this 16th day of January, in the year of Our Lord, nineteen hundred and ninety two.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 261

**DIRECTING THE SANGGUNIANs OF ALL PROVINCES, CITIES, AND THE MUNICIPALITIES
WITHIN THE METROPOLITAN MANILA AREA TO ENACT A LOCAL TAX ORDINANCE
LEVYING AN ANNUAL “AD VALOREM” TAX ON REAL PROPERTY AND AN ADDITIONAL
TAX ACCRUING TO THE SPECIAL EDUCATION FUND**

WHEREAS, prior to the enactment of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 (hereinafter referred to as the Code), provinces, cities and municipalities are empowered under Section 39 of the Real Property Tax Code (Presidential Decree No. 464, as amended) to levy and collect an annual “ad valorem” tax on real property at the following rates: provinces and municipalities - not less than one-fourth ($\frac{1}{4}$) of one percent (1%) but not more than one-half ($\frac{1}{2}$) of one percent (1%) of the assessed value of real property; and cities - not less than one-half ($\frac{1}{2}$) of one percent (1%) but not more than two percent (2%) of the assessed value of real property;

WHEREAS, in the case of municipalities comprising the Metropolitan Manila Area, the real property tax was levied by the defunct Metropolitan Manila Commission under a Metropolitan Manila Revenue Code;

WHEREAS, pursuant to the provisions of Section 232 of the Code, only provinces, cities and the municipalities within the Metropolitan Manila Area are authorized to levy and collect the annual “ad valorem” tax on real property;

WHEREAS, pursuant to the provisions of Section 235 of the Code, an additional one percent (1%) levied on real property to accrue to the Special Education Fund (SEF) of local government units has been transformed from a national tax into a local tax; and

WHEREAS, all provinces, cities, and the municipalities within the Metropolitan Manila Area should enact their respective local tax ordinances to levy the basic real property tax and fix the rate therefor as well as the additional one percent (1%) tax that will accrue to the Special Education Fund of the local government units;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The sanggunians of all provinces, cities and the municipalities of the Metropolitan Manila Area shall immediately enact, effective as of 1 January 1992, their respective real property tax ordinances levying the following:

- a. The basic real property tax and fixing the rate therefor as follows:
 - Provinces - not exceeding one percent (1%) of the assessed, value of the real property
 - Cities - not exceeding two percent (2%) of the assessed value of the real property
 - Municipalities within the Metropolitan Manila Area - not exceeding two percent (2%) of the assessed value of the real property
- b. The additional one percent (1%) tax that accrues to the Special Education Fund.

SEC. 2. The ordinances enacted for the purpose shall also specify the manner and time of payment as provided for under Section 250 of the Code.

SEC. 3. The ordinances enacted shall also prescribe the penalty for failure to pay the property tax, both basic and additional, upon the expiration of the periods prescribed under Section 250 of the Code. The penalty provided shall be in accordance with Section 255 of the same Code.

SEC. 4. No public hearing shall be required before the enactment of a local tax ordinance levying the basic property tax and the additional one percent (1%) SEF tax.

SEC. 5. The Secretary of Finance is hereby authorized to prescribe, from time to time, such procedures and guidelines as may be deemed necessary for the proper and effective implementation of this Order.

SEC. 6. This Order shall take effect immediately.

DONE in the City of Manila, this 16th day of January, in the year of Our Lord, nineteen hundred and ninety two.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 262
CREATING THE GAB ANTI-ILLEGAL GAMBLING UNIT OF THE GAMES AND
AMUSEMENTS BOARD

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me under BOOK III, Title III, Chapter 10, Section 31, of the 1987 Administrative Code, do hereby order:

1. A GAB Anti- Illegal Gambling Unit is hereby created as an organic unit of the Games and Amusements Board.

2. The GAB Anti-Illegal Gambling Unit shall combat and prevent the existence and proliferation of illegal bookie joints and other illegal forms of organized gambling in professional sports and amusement games.

3. The GAB Anti-Illegal Gambling Unit shall be composed of organic and detailed personnel. The organic personnel shall be appointed by the Chairman of the Games and Amusements Board according to the staffing pattern authorized by the Games and Amusements Board and approved by the Department of Budget and Management. The detailed personnel shall be drawn on detail from the Philippine National Police, National Bureau of Investigation and other law-enforcement agencies of the Government.

4. The Task Force on Anti-Gambling, which was created pursuant to Letters of Instructions Nos. 717 and 797, dated June 30, 1978 and January 24, 1979, respectively, and whose operation was suspended under Memorandum Order No. 255, dated September 18, 1989, is hereby abolished. All funds, records, equipment and other properties thereof are hereby transferred to the GAB Anti-Illegal Gambling Unit.

5. The Chairman of the Games and Amusements Board shall submit quarterly reports on the operations of the GAB Anti-Illegal Gambling Unit to the Executive Secretary, who may issue, from time to time, oversight orders to protect public interest.

6. Letters of Instructions Nos. 717 and 797, dated June 30, 1978 and January 24, 1979, respectively; Administrative Order No. 19, dated April 6, 1987; Memorandum Orders Nos. 10 and 255, dated April 22, 1986 and September 18, 1989, respectively, and other orders inconsistent or in conflict with this Administrative Order are hereby revoked accordingly.

7. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 17th day of January, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 263
TRANSFERRING THE CAGAYAN VALLEY EXPERIMENT STATION TO THE PHILIPPINE RICE
RESEARCH INSTITUTE

WHEREAS, Executive Order No. 1061 dated November 5, 1985, as amended by Executive Order No. 60 dated November 7, 1986, created the Philippine Rice Research Institute to “develop x x x a national rice research program so as to sustain and further improve the gains already made in rice production, improve the income and economic condition of small farmers, expand employment opportunities in the rural areas, and ultimately promote the general welfare of the people through self-sufficiency in rice production”;

WHEREAS, the Philippine Rice Research Institute is a body corporate attached to the Department of Agriculture under Section 19 of Executive Order No. 116 dated January 30, 1987 to serve as the national coordinating and funding agency for rice and rice-based research and development programs;

WHEREAS, it is the policy of the Government to unify the efforts of various agencies and institutions working on rice research and development to generate an in-depth approach to the present and future problems on rice in the country; and

WHEREAS, Section 27 of Executive Order No. 116 requires prior approval of the President before changes could be made in the reorganized Department of Agriculture to promote efficiency and effectiveness in the delivery of public services;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order the transfer of the Cagayan Valley Experiment Station in San Mateo, Isabela, together with the existing plantilla positions, operational funds and the income derived from the rice seed production of the said station, to the Philippine Rice Research Institute, serving as the umbrella organization overseeing all aspects of rice research and development in the country.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 21st day of January, in the year of Our Lord, nineteen hundred and ninety two.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 264
DISMISSING DIRECTOR NARCISSA V. MUÑASQUE FROM THE SERVICE AS DIRECTOR
OF THE NATIONAL LIBRARY

This is an administrative complaint filed by Redempta Francia, et al., against Narcissa V. Muñasque, Director of The National Library (TNL), charging her of various acts of irregularities.

In a letter-complaint of June 5, 1990, the herein complainants, who are employees of TNL charged Muñasque of the following:

- I. Entering into the following negotiated contracts for various installations/renovations/repairs in the TNL in the aggregate amount of ₱2,364,626.23;
- a) With Delos Santos Construction for the waterproofing of the TNL rooftop in the amount of ₱1,020,250.00;
 - b) With TOR Construction for the supply and installation of 2 units free standing panel board, 3 phase 220 volts for feeder 1 and 2 power distribution line in the amount of ₱540,981.46;
 - c) With Emyl Electrical and Industrial Services for permanent installation of main feeder line for ₱378,483.56;
 - d) With Dee Reck Trading and Industrial Services for the general repair of split case water pump in the amount of ₱40,260.00;
 - e) With Emyl Electrical and Industrial Service for the renovation and repainting of three divisions for ₱27,634.00; and
 - f) With Emyl Electrical and Industrial Service for the construction of office cubicle for ₱17,700.00.

Anomalies raised by complainants relative to these contracts are: (1) lack of authority on the part of respondent to sign contracts exceeding ₱50,000.00; (2) no urgency to justify undertaking the projects thru negotiated contracts; (3) TOR Construction, with whom respondent entered into a contract for the supply and installation of 2 units free standing panel board (Exh. "0"), was not a bona fide contractor when the contract was entered into on November 19, 1986, for it was only registered with the Department of Trade and Industry on March 2, 1990.

In answer, respondent alleged that (1) repair of the leaking roofdeck is urgent and cannot be delayed for another 2 or 3 years, since the leak had already caused damage to the ceiling, woodworks, carpets, precious collections and other properties and nearly caused fire at TNL when it short-circuited the electrical wirings; (2) a canvass was conducted and three (3) contractors submitted their bids, which was won by Delos Santos Construction with its lowest bid; (3) projects for the other negotiated contracts were obviously emergencies; and (4) these contracts, before becoming effective, were submitted to the DECS Secretary for approval and subjected to the normal accounting and auditing rules.

II. Use of motor vehicle (Isuzu Trooper) donated by the Japanese government for the official and personal business of the respondent, which does not bear the required marking “For Official Use Only”.

Complainants allege that respondent has been using the vehicle since its registration in May 1990. It is driven by her personal and private driver. It is not parked during the night in the TNL garage but in her house. It was only on February 15, 1991 that it was marked “For Official Use Only”.

Respondent claims that the vehicle had since bore the government red plate and the “TNL-NCLIS for Official Use Only” mark; that the car is also being used by other TNL officials in official business transactions; and that she had never claimed travel or gasoline allowance.

III. Transfer of the Bindery Section in December 1989 to the Engine Room, which is poorly ventilated and hazardous to the health of the binders.

Complainants claim that the binders’ transfer to the engine room by respondent was arbitrary and oppressive, and carried on despite the binders’ protest. The engine room is without any window, and noise inside is constant due to the central water pump housed therein. In addition, the room is also the storage area for condemned equipment.

Contrary to the above claim, respondent avers that, on August 14, 1989, six of the nine binders were deployed to the different service areas and the rest assigned to an area outside the engine room while awaiting for their final reassignment.

IV. Despite the availability of qualified librarians within the TNL, respondent recommended outsiders for Chief of the Library for the Blind Division and Government Publications Division; and also discriminated against Redempta Francia, Librarian IV, Government Publications Division, by not designating her OIC and not giving her Representation and Transportation Allowances (RATA).

Complainants allege that Redempta Francia, Assistant Chief, Government Publications Division (GPD), has been with the unit for the past 17 years. Upon the retirement of the Chief, Marcela F. Abadilla, on December 15, 1989, Francia took over the duties of Chief and was recommended to the position by Abadilla. However, respondent recommended an outsider, Lilia Abad, to the position. This was disapproved by the DECS Secretary and so respondent recommended another outsider, Corazon Nera. When this was also disapproved, she designated one of her favorites, Prudenciana Cruz, Chief of the Reference Division, as Officer-in-Charge of the GPD. Francia and her staff protested, and she was later designated Acting Chief by the DECS Secretary.

For her defense, respondent alleges that she had prior clearance from the DECS Secretary to hire employees from outside; that all the applicants were screened, including Francia and Tominez, who refused to take the aptitude test; and that Francia lacked the qualifications and proper work attitude. As to the non-payment to Francia of RATA, respondent alleged that Francia’s appointment as Acting Chief, per the Secretary’s Order, was made effective July 18, 1990; hence application for RATA prior to that date was disapproved.

V. Practising favoritism by assigning favored employees to official trips abroad and to choice locations like U.S.A., Sydney and England, while the less-favored ones are assigned to nearby Asian countries only.

Another instance of favoritism was when Prudenciana Cruz went on study leave to Northern Illinois University in August 1989. Since she cannot finish her M.A. in that school because her masteral units from U.P. were not credited, she stayed and worked there while studying a computer course at the same time. She continued to receive her salary from TNL and charged her one-way fare ticket to the U.S. against the TNL funds. This is highly irregular.

Per complainants’ allegations, Cruz has no scholarship grant; hence respondent violated Republic Act (R.A.) 3019 when she knowingly approved the grant of her basic salary during her study leave and the reimbursement of her one-way ticket to the U.S. by means of a spurious scholarship grant contract.

Respondent denies the charge of favoritism, observing that even complainants were also sent abroad on several occasions. She added that the travel of Mrs. Cruz was approved by then DECS Secretary Quisumbing upon request of respondent; that the scholarship contract was executed to have a tie-up between the grantor and the grantee; and that the reimbursement of the plane fare to Northern Illinois University was approved by the DECS Secretary.

VI. Recommending Assistant Director Adoracion Bolos to be detailed to Malacañang and, at the same time, recommending Prudenciana Cruz as Acting Assistant Director. The question is, why detail the Assistant Director, if after all, another one is needed to take her place?

According to complainants, Mrs. Bolos is a Career Executive Service eligible. When she was detailed to the Malacañang Palace Library to inventory and classify library materials, the Presidential Staff Director even noted that she is CESO III, a position that may be a bit too high for the library. To get rid of Mrs. Bolos, respondent (1) recommended her detail on full-time basis, together with Miss Gilda Antiquera, Supervising Librarian I, effective December 5, 1986; (2) requested that separate items be provided or created for Bolos and Antiquera by the Presidential Library, which was however rejected by the Presidential Personnel Officer; (3) favorably endorsed the extension of the detail of Mrs. Bolos to Malacañang, the phaseout of her position and eventual separation from TNL; (4) reprimanded and stripped Mrs. Bolos of her functions, per respondent's memorandum of April 22, 1991, after Mrs. Bolos was recalled by DECS Secretary Cariño on April 30, 1990; (5) denied Mrs. Bolos of the use of her old office and, instead, assigned her to the Legal Deposit Office; and (6) designated her OIC for the Library for the Blind, which to date has not been operational, all of which constitute harassment, oppression and unwarranted abuse of discretion.

Respondent avers that, upon her assumption of Directorship in October 1986 she gave Mrs. Bolos the chance to prove herself, but she did not come up to expectations. To further give her a chance, she was detailed to Malacañang. She was not stripped of her functions but given special functions and appointed OIC, Library for the Blind.

VII. Alleged kickbacks in the use of the TNL premises in the filming of "Braddock: Missing in Action III," where the TNL was closed to the reading public for three (3) days from June 3-5, 1987.

Complainants claim that respondent's act of entering into a contract with PMP Motion Pictures Production, Inc., for the exclusive use of the TNL premises for three (3) days and the suspension of work during the same period constitute conduct prejudicial to the best interest of the service. The time cards of the employees were noted O.B. and no deductions were made from the salaries of the employees.

Respondent denied receipt of kickbacks, but admitted that PMP Production outfit donated to TNL two (2) computers, which were entered in its books. TNL was opened to the public during the filming and work was not suspended.

VIII. Termination of employment of security guards who were regular employees of TNL and replacing them with newly-hired guards from a private agency, requiring a higher salary for the same security services.

Complainants allege that the contract for services entered into by respondent is manifestly disadvantageous to the government.

For her part, respondent claims that the abolition of security guard positions was recommended during the DECS reorganization. Four (4) of the eight (8) security guards were absorbed by TNL, two (2) were taken in by the National Historical Institute (NHI) and two (2) opted to avail of the benefits of reorganization.

IX. Allowed the collection from TNL of ₱250.00 as convention fee for Mrs. Gretchen Hammerstein on March 25, 1987, when she was not connected with the Library, but was only a volunteer consultant to the TNL.

Respondent claims that Mrs. Hammerstein offered free consultancy to TNL and, on March 26-27, 1987, she was sent by TNL to attend a conference at Camp Aguinaldo, and this is where the ₱250.00 went.

After a comprehensive evaluation of the respective evidence presented by the parties, DECS Secretary Isidro D. Cariño gave the following recommendation:

“On the basis of the foregoing findings of irregularities which attended the execution of the various negotiated contracts entered into by the respondent, her perpetuation of acts of oppression and harassment against her subordinates, particularly, Asst. Director Bolos, and her disregard of the basic provisions or requirements of laws, we respectfully recommend to her Excellency the suspension of Director Narcissa Muñasque for a period of one (1) year.”

At the outset, it must be stressed that the finding of DECS Secretary Cariño is only recommendatory in nature (*Cuyegkeng vs. Cruz*, 108 Phil. 1147), since the President has administrative disciplinary authority over respondent who is a presidential appointee.

This brings to the fore the core issue of whether or not respondent is administratively liable for irregularities, which attended the execution of the various negotiated contracts that she entered into, acts of oppression and harassment against her subordinates, and disregard of the basic provisions or requirements of laws.

After going over the records of the case, I concur with the DECS findings.

According to DECS Secretary Isidro D. Cariño, the delegated authority of Heads of Agencies to approve negotiated contracts for services or for furnishing of supplies is limited only to a contract price of not more than ₱100,000.00.

Clearly, respondent exceeded her authority by approving the following contracts: (1) with Delos Santos Construction for the Waterproofing of the TNL roofdeck in the amount of ₱1,020,250.00; (2) with TOR Construction for the supply and installation of 2 units Free Standing Panel Board, 3 phase 220 volts for feeder 1 and 2 Power Distribution line in the amount of ₱540,981.46; and (3) with Emyl Electrical Industrial Service for Permanent Installation of main feeder line for ₱378,483.56.

At this point, it is difficult to imagine a person of respondent's stature and occupying the highest position in the agency to be unaware on the limitations of the powers she is supposed to exercise.

Apropos thereto, it is also elementary that contracts should only be entered into with bona fide contractors. Respondent did the contrary when, in 1986, she entered into a contract with TOR Construction, which was not yet registered with the Department of Trade and Industry.

While it may be true that the TNL roofdeck really needed to be repaired, respondent should have attended to it earlier in order to comply with the bidding procedure prescribed by Presidential Decree 1594. It was correctly found by Secretary Cariño that:

“x x x Since the leaking which affected only the ceilings of some areas of TNL had been going on for years, a delay of a few weeks in order to comply with the requirements of a public bidding would not have mattered. There was no evidence shown to prove the alleged destruction of valuable collections, etc. on account of the leaking rooftops. Time constraints did not obtain and the situation was not an exceptional case where time was of the essence as to justify the undertaking of a project by negotiated contract as required under Section 4 of P.D. No. 1594”.

Similarly the Commission on Audit (COA), in its report found that:

“a) There was no competitive bidding to protect the public interest by giving the best possible advantages through open competition.

“b) In the case of the repair of the roofdeck costing more than one million pesos, only a canvass was conducted without the attendance of the Committee on Bids and Awards. Further, it appears that the bidders did not post the required Bidder’s Bond; Engr. Ambe, General Manager of Trijan Services which participated in the canvass was also connected with the winning contractor, De los Santos Waterproofing Supply, being the latter’s Project Engineer (Exh. ‘j-10’); initial capitalization of De los Santos was only ₱30,000.00, hence, not financially capable; the project was inspected by a private contractor, Engr. Silvestre Lindog, owner of Emyl Electrical and Industrial Services which had several projects for the agency; the government lost approximately ₱66,000 in the 2 separate contracts for the installation of temporary power lines and permanent main feeder lines which were awarded to Emyl Electrical Services owned by Mr. Lindog, also a TNL Consultant for electrical jobs, etc. and which contracts were not supported by Performance Bond, approved agency estimate, etc. as required by P.D. 1594; and that Engr. Lindog in view of his consultancy post in TNL appears a favored contractor and could not be considered an independent contractor.”

and recommended that the contractor be required to refund excess payment; that all future construction projects be made through public bidding; and that appropriate charges be filed against officials included in the irregular practices.

Respondent contends that the COA report is not competent evidence of irregularities at TNL, not having been tested by cross-examination. Considering that the proceedings are administrative in nature, the COA report could have been controverted by contrary evidence, which was not done by respondent.

As to the Isuzu Trooper, contrary to respondent’s allegation that the “For Official Use Only” marking could have been done much earlier than February 15, 1991, it had been proven that the blue paint used in the marking was bought on February 13, 1991, as evidenced by the Requisition and Issue Voucher, dated February 13, 1991, signed by Mr. Enriquez, respondent’s secretary; hence the marking must have been done after that date, not earlier as respondent suggests. The use therefore of the Isuzu Trooper by respondent from May 1990 up to February 12, 1991 without the required marking was a violation of COA Circular No. 75-6, dated November 7, 1975.

As found by the investigating panel and admitted by respondent, it was sufficiently established that during the period from December 1989 to June 1990, the employees of the Bindery Section had to do the cutting of cardboards, rounding and cutting of books near the Engine Room where the cutting and rounding machines were placed upon orders of the respondent. The fact that the place is hot due to poor ventilation, is noisy and is not a suitable workplace has not been disputed. I thus join Secretary Cariño in his conclusion that respondent’s transfer of the employees of Bindery Section to such a place from December 1989 to June 1990 is “oppressive and shows her insensitivity to the plight of her employees.”

Relative to the detail of Assistant Director Bolos, I agree with the DECS Secretary that “such acts of the respondent deprived TNL of the services of a highly qualified Assistant Director, a career official with sufficient experience in the operations of TNL a fact which does not speak well of her conduct as head of an agency.”

It is a common practice among heads of offices or agencies to give so-called “special assignments” to officials whom they do not favor. It is one way of getting rid of them, especially when the assignment is outside of their own offices like the Malacañang assignment of Mrs. Adoracion Bolos. This is very apparent from respondent’s recommendation that she be given an item at the Presidential Library, which was rejected by the Presidential Personnel Officer.

With respect to the claim of favoritism in the attendance of seminars/conferences abroad, it was admitted by complainants that Ms. Francia and others were also sent abroad, but to nearby Asian countries only. While it is conceded that respondent has the discretion of choice of officials who should be sent abroad, in this instance she did abuse her discretion.

On the issue of the controversial study leave of Ms. Prudenciana Cruz, respondent avers that “there was no evidence that Ms. Cruz was on study leave,” However, the second paragraph of respondent’s letter to DECS Secretary Lourdes Quisumbing, dated July 17, 1989, states:

“In this connection, may I request your kind office to grant an authority for Mrs. Cruz to avail of the opportunity to pursue higher studies and to provide her salary while she will be on study leave.” (Emphasis supplied)

Thus, the explanation by Secretary Cariño reads:

“x x x Exec. Order 129 dated May 6, 1968 (Official Travel abroad of government employees on scholarship grants, fellowship) did not apply to her the same requiring a grantee to be on full study status to enable her to take full advantage of the opportunity to acquire knowledge and/or skill for the benefit of the improved public service and not accept any other assignment (Section 13). The indorsement of her travel and the request for payment of her salaries and plane fare by the respondent which were approved by Secretary Quisumbing are irregular. The execution of a pro-forma ‘Contract of Scholarship’ between Ms. Cruz and the respondent has no legal basis since Mrs. Cruz was actually and admittedly on study leave (Exh. ‘106’, letter of Dir. Muñasque to Secretary Quisumbing). The clear purpose of respondent was to accommodate Ms. Cruz, in effect, granting her unwarranted benefits by paying her salaries during the period of her study leave from August 1989 to June 1990 to the undue prejudice of the government.” (Emphasis supplied)

The claim of alleged kickbacks in allowing the use of TNL premises for the filming of “Braddock: Missing in Action III” was not proven. Neither was complainant’s allegation that respondent ordered the suspension of work during the filming established. However, as found by Secretary Cariño, “it cannot be denied that the shooting disrupted the normal operations of TNL, of which respondent was fully aware, work having been considerably suspended as shown by the ‘OB’ markings on the employees time cards”; and for this respondent is responsible.

I disagree with the DECS Secretary that respondent deserves only the penalty of suspension for one (1) year. By disregarding prescribed requirements in contract award and approval, respondent betrays her propensity to take illegal shortcuts that compromise the government’s financial interest. As shown in the COA report, *supra*, the government lost some ₱60,000.00 in contracts entered into by respondent without public bidding.

Presently, the atmosphere of mutual respect very much needed for a healthy working relationship between the parties has been compromised. Thus, the National Library should be given a fresh start,

not only for a year, but also for the years ahead to achieve the growth and expansion which public service demands.

WHEREFORE, respondent Narcissa V. Muñasque is hereby found guilty of irregularities, which attended the execution of the various contracts that she entered into, of acts of oppression and harassment against her subordinates, and of disregarding the basic provisions or requirements of laws to the undue prejudice of the government and the service. Accordingly, she is hereby meted the penalty of DISMISSAL from the service, effective upon her receipt hereof.

ADMINISTRATIVE CASE AGAINST
NARCISSA V. MUÑASQUE, DIRECTOR
OF THE NATIONAL LIBRARY, FOR
VARIOUS ACTS OF IRREGULARITIES ETC

Done in the City of Manila, this 30th day of January, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 265
DIRECTING THE CONTINUED ADOPTION OF ECONOMY MEASURES IN
GOVERNMENT OPERATIONS FOR CALENDAR YEAR 1992

WHEREAS, it is imperative that the public sector deficit be limited to 2.7 percent of the GNP in order to achieve the goals of the economic stabilization program for Calendar Year 1992;

WHEREAS, revenue collections in CY 1992 are expected to be ₱12 billion less than that originally projected in the light of recent economic developments;

WHEREAS, there is a need for the Government to maintain prudence in government spending and to continue to streamline its operations in view of the limited resources; and

WHEREAS, pending the identification of alternative revenue resources, some ₱12 billion of disbursements of all agencies of government have to be deferred/withheld;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. All national agencies, including government-owned and controlled corporations, are hereby directed to set aside a 5% reserve from their programmed non-personal services appropriations under R.A. No. 7180 or the 1992 General Appropriations Act (GAA), pursuant to Section 67 of the said Act. Appropriations for school and hospital buildings as well as road maintenance funds under the Department of Public Works and Highways and the Internal Revenue Allotment shall be exempted from this reserve.

In addition, all agencies shall set aside another 5% reserve from their non-personal appropriations in the GAA. For purposes of this additional reserve, the following appropriations shall be exempt: Congress of the Philippines, the Judiciary, Constitutional Offices, Internal Revenue Allotment, the International Commitments Fund and the Reconstruction and Rehabilitation Fund.

These reserves shall be augmented by a 10% reserve from programmed expenditures under all other appropriations sources, including the Public Works Act, except debt service, net lending, payment of internal revenue taxes and customs duties (Section 15, R.A. No. 7180) and expenditures funded from grants (Section 8, R.A. No. 7180) and sale of unserviceable equipment (Section 6, R.A. No. 7180).

In determining the sources of the reserves, however, estimated savings in personal services may be offered. Department secretaries have the flexibility to determine the distribution of the reserve imposition among its attached agencies, including corporations, so long as the aggregate amount of reserves targetted from the department is met. No reserves shall be released except upon specific approval of the President.

SEC. 2. Government-owned and controlled corporations and local government units shall likewise impose a 10% reserve on their non-personal services expenditures for 1992, including those funded from internally generated resources. For purposes of this Section, the Internal Revenue Allotment shall be considered local funds. However, local governments shall fully observe the restrictions under Section 3 hereof pursuant to the 1992 GAA.

In determining the sources of the reserves, government corporations and local government units may offer estimated savings in personal services. Said reserves shall continue to form part of their respective funds.

SEC. 3. In conjunction with Sections 1 and 2, all agencies shall comply strictly with Section 14 of the General Provisions of the 1992 GAA which mandates that no government funds shall be used for the following:

a. To purchase motor vehicles, except medical ambulances, military and police patrol vehicles, other utility vehicles, those used for mass transport when necessary in the interest of the public service, and those specifically authorized in the 1992 GAA;

b. To defray the foreign travel expenses of any government official or employee, except in case of training, seminar or conference abroad when the officials and other personnel of the foreign mission cannot effectively represent the country therein and in case of travel necessitated by international commitments;

c. To provide fuel, parts, repair and maintenance to any government vehicle which is not permanently marked "FOR OFFICIAL USE ONLY" with the name or logo of the agency, nor otherwise properly identified as a government vehicle and does not carry its official government plate number, except official vehicles assigned to the President, Vice-President, Senate President, Speaker of the House of Representatives, Chief Justice of the Supreme Court and Chairmen of the Constitutional Commissions and those used by personnel performing intelligence and national security functions: PROVIDED, That in case of any transport crisis, such as that occasioned by street demonstrations, mass protest actions, floods, typhoons and other emergencies, all government vehicles of any type whatsoever, whether luxury cars or utility vehicles, shall be made available to meet the emergency and utilized to transport for free the commuters on a round-the-clock basis;

d. To pay the honoraria, allowances or other forms of compensation to any government official or employee, except those specifically authorized by law; and

e. To be invested in non-government securities, money market placements and similar investments or deposited in private banking institutions.

The implementing rules and regulations of Section 14 of the General Provisions of R.A. No. 7078 as prescribed under the COA-DBM Joint Circular No. 1 dated September 3, 1991 are hereby reiterated and adopted as the rules and regulations governing the implementation of the above section.

SEC. 4. Likewise, all agencies of the government are directed to implement other cost-saving and austerity measures, including the following:

a. Deferral of the implementation of all new non-infrastructure projects appropriated in 1992, except hospital buildings; Hall of Justice buildings; school buildings, including academic buildings of state universities and colleges; those related to rehabilitation, reconstruction and other works for disaster-stricken areas; those funded under the Countrywide Development Fund; those already contracted as of the effectivity of this Administrative Order; and those covered by grant agreements;

b. Limiting the filling of positions to only 25% of vacant positions as of 31 December 1991 on condition that the Staff Reduction Program mandated by Administrative Order No. 205 dated 3 January 1991 and reiterated by Administrative Order No. 227 dated 26 June 1991 has been duly complied with;

c. Suspension of gift givings, donations and contributions as well as the conduct of seminars, conventions, annual and anniversary celebrations, athletic, cultural and sports activities, official entertainments and public relations activities. However, athletic meets and activities conducted by public schools and state universities and colleges, activities covered by international commitments,

and those conducted by agencies whose basic functions involve the above functions shall be allowed. Furthermore, donations and contributions to areas and victims affected by calamities shall be allowed;

d. Disallowance of paid media advertisements, except those concerned with the issuance of agency guidelines, rules and regulations, and public biddings as well as those concerned with public announcements;

e. Suspension of the hiring of additional consultants, contractuels and casuals, except for foreign-assisted projects; and,

f. Disallowance of overtime payments except as may be authorized by the Department Secretary or the head of agency concerned pursuant to the provisions of Memorandum Order No. 228, series of 1989.

SEC. 5. All requests for the use of savings and the realignment of funds shall be limited to the funding of deficiencies in salary standardization and bonus requirements, separation and retirement benefits, and to those specifically authorized under the Special Provisions governing agency appropriations in the 1992 GAA.

SEC. 6. The internal guidelines to implement the foregoing economy measures shall be issued and enforced by the agency head. A report on the estimated savings to be generated from such measures shall be submitted to the Office of the President through the Department of Budget and Management on or before 15 February 1992.

SEC. 7. The Department of Budget and Management shall release advices of allotment based on the respective approved work and financial plans submitted by the agencies in compliance with the foregoing economy measures.

SEC. 8. All other issuances on economy measures and the corresponding rules and regulations inconsistent with the provisions of this Administrative Order are hereby repealed and/or modified accordingly.

SEC. 9. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 31st day of January, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 266

CREATING A ONE-STOP-SHOP INTER-AGENCY TAX CREDIT AND DUTY DRAWBACK CENTER (CENTER) FOR THE PROCESSING OF ALL TAX CREDITS AND DUTY DRAWBACKS, DEFINING ITS POWERS, DUTIES AND FUNCTIONS, AND FOR OTHER PURPOSES

WHEREAS, current systems in the processing of tax credit availment/duty drawbacks are being administered primarily by different government agencies, resulting in varying documentation requirements, longer processing time, and a considerable number of pending applications;

WHEREAS, such current systems hamper the basic objective of government, which is to enable those eligible for tax credits/duty drawback to reasonably enjoy their credits for taxes and duties paid on their raw materials and other inputs used in their products;

WHEREAS, the competitiveness of our locally manufactured products vis-a-vis their imported equivalents is also dependent on the ability of our manufacturers/exporters to secure and to use their tax credits/drawbacks at the earliest time possible;

WHEREAS, the simplification of the availments of said credits on taxes and duties, as well as safeguarding the system from the occurrence of undue claim, is urgently needed;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the power vested in me by law, do hereby order the following:

SECTION 1. Creation of a One-Stop Inter-Agency Tax Credit and Duty Drawback Center - A One-Stop-Shop Inter-Agency Tax Credit and Duty Drawback Center (CENTER) is hereby created for the purposes of achieving an orderly and expeditious processing of tax credits and duty drawbacks under Executive Order No. 226; Presidential Decree No. 1789 as amended by Batas Pambansa Blg. 391, as amended; Letter of Instructions No. 1355; Executive Order No. 765; RP-US Military Agreement; Section 106 (c), Tariff and Customs Code of the Philippines; Section 106, National Internal Revenue Code; and such other applicable laws.

SECTION 2. Composition. - The CENTER shall be composed of representatives from the following agencies:

Chairman	-	The Department of Finance
Member	-	The Board of Investments
Member	-	The Bureau of Customs
Member	-	The Bureau of Internal Revenue
Secretariat	-	Revenue Operations Group (ROG), Dept. of Finance

The CENTER shall invite representatives from the Industrial Technology Development Institute, Bureau of Export and Trade Promotion, Garments and Textiles Export Board, Philippine International Trading Corporation and other concerned government Agencies, as well as representatives from the private sector, as consultants.

SEC. 3. Powers, Duties and Functions. - The Center shall have the following powers, duties and functions:

- a. To promulgate the necessary rules and regulations and/or guidelines for the effective implementation of this administrative order;
- b. To accept applications for tax credits and/or duty drawbacks and finish evaluation thereof within thirty (30) working days from date of acceptance of complete applications;
- c. To regularly conduct dialogues with the private sector with the end in view of arriving at realistic standard/usage rates;
- d. To adopt and/or revise standard/usage rates on all raw materials and inputs used in export products *motu proprio* or upon petition by concerned exporters which shall be used for computing special tax credits/duty drawbacks;
- e. To conduct regular post-audit examinations on tax credit certificates issued using standard rates;
- f. To disseminate relevant information to the public on credit/duty drawback scheme/policies and procedures;
- g. To enforce compliance with tax credit/duty drawback policy and procedural guidelines;
- h. To manage the data processing for the storage and retrieval of data on tax credit/duty drawbacks scheme applications;
- i. To collect appropriate fees in connection with the processing of applications, which may be expended to enhance its effectiveness and efficiency, including but not limited to granting allowances, overtime pays and other material benefits to its members and staff;
- j. To recruit, hire, and train the necessary staff to process and evaluate applications for tax credit/drawback;
- k. To accept donations pursuant to Section 8 of R.A. 7078 for purposes of the functions of the Center; and
- l. To perform such other functions/duties as may be necessary or incidental in the furtherance of the purpose for which it has been established.

SEC. 4. Filing of Applications. - Except as otherwise provided herein, all applications for tax credits/duty drawbacks shall be filed directly with the CENTER, which shall be located at the Department of Finance, Manila, or where any of its agencies are located. Applications for tax credit on Net Local Content (NLC) and Net Value Earned (NVE), domestic capital equipment, and domestic breeding stocks and genetic materials shall, for a period of six (6) months from the effectivity of this Administrative Order, shall continue to be filed with and evaluated by the Board of Investments (BOI), provided that, after such period, all applications, including those on NLC and NVE, shall already be filed with and processed by the CENTER.

SEC. 5. Issuance of Tax Credit Certificates and/or Duty Drawback. - The Secretary of Finance shall designate his representatives who shall, upon the recommendation of the CENTER, issue tax credit certificates within thirty (30) working days from acceptance of applications for the enjoyment thereof.

SEC. 6. - Operationalization. - The Department of Finance shall ensure the operationalization of the CENTER within sixty (60) days from the effectivity of this Administrative Order. For a period of six (6) months from date of said operationalization, all concerned agencies shall detail, with the CENTER, competent technical staff who shall initially be responsible for the evaluation of tax credits/duty drawbacks. Six (6) months thereafter, the processing and evaluation shall already be undertaken

by the staff of the Center. The operational staff shall include, aside from the technical staff, a property officer and a disbursing officer who shall be directly accountable, exclusively for the property and funds which the Center may acquire in the course of its operation.

SEC. 7. Review. - The CENTER shall be subject to an annual review by the Office of the President to assess its effectivity and to determine its necessity to continue processing applications for and issuing tax credits/duty drawbacks. After said review, the President may or may not continue the operations of said CENTER.

SEC. 8. Repealing Clause. - All orders, guidelines and regulations or portions thereof, which are inconsistent or in conflict with this Administrative Order are hereby repealed or modified accordingly.

SEC. 9. Effectivity. - This Administrative Order shall take effect thirty (30) days after publication in the Official Gazette or in a newspaper of general circulation, and shall remain in full force and effect until revoked.

DONE in the City of Manila, on this 7th day of February, in the year of Our Lord nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 267

**DELEGATING CERTAIN GENERAL SUPERVISORY POWERS OF THE PRESIDENT OVER
LOCAL GOVERNMENTS TO THE SECRETARY OF INTERIOR AND LOCAL GOVERNMENT**

WHEREAS, the President exercises general supervision over local governments pursuant to Article X, Section 4, of the Constitution of 1987; Book III, Title I, Chapter 6, Section 18, of the Administrative Code of 1987; and Book I, Title One, Chapter 3, Article One, Section 25, of the Local Government Code of 1991;

WHEREAS, certain provisions of the Local Government Code specifically vest in the President authority to act upon the particular matters indicated therein;

WHEREAS, there exists the need to delegate to the Secretary of Interior and Local Government the exercise of such authority for the effective and efficient implementation of the provisions of the Local Government Code; and

WHEREAS, except for highly prerogative acts to be performed by the President personally, the multifarious executive and administrative functions of the President may be performed by and through the executive departments under the control of the President (*Villena vs. Secretary of Interior*, 67 Phil. 451; *Lacson-Magallanes Co., Inc. vs. Paño*, No. L-27811, Nov. 17, 1967, 21 SCRA 895);

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The authority to act upon the following matters is hereby delegated to the Secretary of Interior and Local Government:

a. Exercise of supervision directly over provinces, highly urbanized cities and independent component cities; through the province with respect to component cities and municipalities; and through the city and municipality with respect to the barangays (Book I, Title One, Chapter 3, Article One, Section 25, Local Government Code);

b. Approval of the leaves of absence of governors and mayors of highly urbanized cities or independent component cities (Book I, Title Two, Chapter 2, Section 47, Local Government Code);

c. Acceptance of the resignation of governors and vice-governors, as well as mayors and vice-mayors of highly urbanized cities and independent component cities (Book I, Title Three, Section 82, Local Government Code); and

d. Approval of requests of local officials for permission to travel abroad when the period of travel extends to more than three (3) months; or during periods of emergency or crisis; or when the travel involves the use of public funds (Book I, Title Three, Section 96, Local Government Code).

SEC. 2. The Secretary of Interior and Local Government shall sign any and all official papers or documents on the foregoing matters "By authority of the President."

SEC. 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 18th day of February, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 268
RATIONALIZING THE GRANT OF PRODUCTIVITY INCENTIVE BENEFITS FOR CALENDAR
YEAR 1991 TO ALL PERSONNEL OF GOVERNMENT AGENCIES

WHEREAS, a number of agencies of the Government granted year-end productivity incentive benefits or other similar allowances to their officials and employees invoking as legal bases therefor Sections 31, 35 and 36(2), Chapter 5, Subtitle A, Title I, Book V of the Administrative Code of 1987 as well as fiscal autonomy and authority to fix and authorize additional compensation/allowances pursuant to the enabling Acts or other statutes of some government-owned or -controlled corporations, and in view thereof, other departments, agencies and offices now request authority to grant similar benefits to their personnel;

WHEREAS, the second paragraph of Section 35, Chapter 5, Subtitle A, Title I, Book V of the Administrative Code of 1987 provides that “[i]n accordance with rules, regulations, and standards promulgated by the [Civil Service] Commission, the President or the head of each department or agency is authorized to incur whatever necessary expenses involved in the honorary recognition of subordinate officers and employees of the government who by their suggestions, inventions, superior accomplishments and other personal efforts contribute to the efficiency, economy, or other improvement of government operations, or who perform such other extraordinary acts or services in the public interest in connection with, or in relation to their official employment.”

WHEREAS, the Acting Chairman of the Civil Service Commission, in his letter dated 11 February 1992, has opined that “in exceptional cases, an incentive scheme wherein all the employees of the department or agency are granted productivity incentive bonus on the basis of their individual and collective efforts which enabled the agency to meet its targets may be considered to be in conformity with Section 35,” Chapter 5, Subtitle A, Title I, Book V of the Administrative Code of 1987;

WHEREAS, notwithstanding budgetary constraints and the series of natural calamities that had hit the country during the past two years, the agencies of the Government have exceeded or at least met their respective targets for Calendar Year 1991;

WHEREAS, the productivity incentive benefits granted by the different agencies are of varying amounts, causing dissension/demoralization on the part of those who had received less and those who have not yet received any such benefit, thereby defeating the purpose for which the same should be granted; and

WHEREAS, there exists the need to regulate the grant of the productivity incentive benefits or other similar allowances in conformity with the policy on standardization of compensation pursuant to Republic Act No. 6758;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. All agencies of the National Government are hereby authorized to grant productivity incentive benefits to their full-time permanent, temporary and casual employees, including

contractual employees with employment in the nature of a regular employee, who have rendered at least one (1) year of service in the Government as of 31 December 1991.

Government-owned or -controlled corporations and local government units may also grant productivity incentive benefits to their officials and employees under the same terms and conditions prescribed herein; *Provided*, That the necessary amount shall be sourced from available corporate or local government funds, as the case may be: *Provided, further*, That no funding support shall be required from the National Government.

SEC. 2. The agencies shall pay each official and employee the productivity incentive benefits in a maximum amount equivalent to thirty percent (30%) of his one (1) month basic salary but in no case shall such amount be less than two thousand pesos (₱2,000.00).

SEC. 3. Payments made by heads of agencies for productivity incentive benefits or other allowances of similar nature prior to this Administrative Order shall be considered compliance with the benefits herein authorized: *Provided*, That payments made in excess of the rates prescribed in the preceding section shall be adjusted accordingly. In this connection, all heads of the agencies concerned are hereby directed to cause the return/refund of excess payments through any of the following modes:

a. Regular salary deductions for a period of ten (10) months from 1 March 1992 to 31 December 1992; or

b. If the concerned official or employee has sufficient accumulated leave credits, the return/refund may be charged, with the said official's or employee's prior consent, against the leave credits earned.

SEC. 4. Government-owned or -controlled corporations and financial institutions previously granted separate authority by the Office of the President and/or the Department of Budget and Management to grant a one-time payment of the productivity incentive benefits or other allowances of similar nature for Calendar Year 1991 are not covered by the provisions on return/refund of the preceding section: *Provided*, That these government-owned or -controlled corporations and financial institutions can no longer avail themselves of the benefits herein authorized: *Provided, further*, That government-owned or -controlled corporations and government financial institutions that granted similar benefits for Calendar Year 1991 without the prior approval of the Office of the President and/or the Department of Budget and Management shall be subject to the provisions of this Administrative Order.

SEC. 5. The amount necessary for government agencies to implement the provisions of this Administrative Order shall be sourced from savings in their respective Calendar Year 1992 Budgets: *Provided*, That in the case of agencies which have previously obligated and paid the benefits herein prescribed out of their 1991 appropriations, a corresponding amount chargeable against their 1992 appropriations shall be imposed as reserves in addition to the mandatory reserves prescribed under Administrative Order No. 265 dated 31 January 1992.

SEC. 6. For the purpose of ensuring the implementation of this Administrative Order, a Special Account is hereby created to be funded from the additional 5% reserves to be imposed on the appropriations of all regular government agencies under the 1992 General Appropriations Act. This fund shall be over and above the reserves already mandated pursuant to Administrative Order No. 265, subject to the same conditions prescribed under paragraph 2 of Section 1 thereof.

SEC. 7. The productivity incentive benefits herein authorized shall be granted only for Calendar Year 1991. Accordingly, all heads of agencies, including the governing boards of government-owned or -controlled corporations and financial institutions, are hereby strictly prohibited from authorizing/granting productivity incentive benefits or other allowances of similar nature for Calendar Year 1992 and future years pending the result of a comprehensive study being undertaken by the Office of the

President in coordination with the Civil Service Commission and the Department of Budget and Management on the matter.

The formulation of the necessary implementing guidelines for Executive Order No. 486 dated 8 November 1991 establishing a performance-based incentive system for government-owned or -controlled corporations shall likewise be included in the comprehensive study referred to in the preceding paragraph.

SEC. 8. All heads of government agencies and the respective COA Auditors-in-Charge are required to submit their reports of compliance herewith to the Department of Budget and Management. Such reports shall contain the following:

- a. Information on the number of beneficiaries and amount granted in accordance with format attached hereto (Annex "A");
- b. Proposed schedule of refunds to be remitted to the Bureau of the Treasury which schedule shall be submitted within thirty (30) days from the receipt of this Administrative Order; and
- c. Report on duly verified/certified refunds actually received which shall be submitted on or before 31 December 1992.

SEC. 9. Non-compliance with any of the provisions of this Administrative Order shall be severely dealt with in accordance with the provisions of existing laws and shall be the personal liability of the officials and employees found to be directly responsible therefor.

SEC. 10. The Department of Budget and Management is hereby directed to deduct from whatever future releases due a particular government agency the corresponding amount representing refunds in view of the latter's failure to collect said refunds from its officials and employees concerned.

SEC. 11. The productivity incentive benefits herein authorized shall not be subject to the withholding tax, GSIS premiums, medicare and other similar deductions.

SEC. 12. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 21st day of February, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 269

DESIGNATING THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT AS
THE LEAD AGENCY IN THE IMPLEMENTATION OF THE LOCAL GOVERNMENT CODE OF
1991 AND FOR OTHER PURPOSES

WHEREAS, the Local Government Code of 1991 mandates the transfer from the national government agencies to the local government units the responsibility for the delivery of basic services and facilities, together with their corresponding personnel, properties, records, assets and liabilities, by 30 June 1992;

WHEREAS, after the devolution of responsibility from the national government agencies to the local government units, the implementation of the Local Government Code shall be a continuing national government concern with the goal of developing self-reliant local government units;

WHEREAS, the process of developing self-reliant local government units should be managed and sustained to ensure the attainment of the objectives of the Local Government Code;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law and upon the recommendation of the Oversight Committee constituted under the provisions of Book IV, Title Three, Section 533, of the Local Government Code, do hereby order:

SECTION 1. The Department of the Interior and Local Government is hereby designated as the lead agency in the implementation of the Local Government Code of 1991. As such lead agency, the Department shall:

- a. Assist the Oversight Committee to perform its functions prescribed by the Local Government Code;
- b. Conduct an extensive information campaign on the Local Government Code and its Implementing Rules and Regulations directed at the national government agencies, local government units, non-governmental organizations, the business sector, the foreign community and the general public;
- c. Conduct, in coordination with the national government agencies involved, a sustained and continuing program of capability-building on the part of the local government units to facilitate the latter's absorption and exercise of their new powers and functions, as well as their utilization of resources and funds;
- d. Supervise, monitor and facilitate, under the supervision and control of the Oversight Committee, the actual transfer of the functions, personnel, properties, records, assets and liabilities from the national government agencies involved to the local government units, and for this purpose, shall submit to the said Committee regular bimonthly reports on the progress of such transfer;
- e. Assist, in coordination with the national government agencies involved, the local government units in determining the administrative viability of devolution and submit its recommendation to the Oversight Committee on the appropriate measures to ensure the unhampered delivery of basic services and facilities;

f. Assist the local government units in maximizing the exercise of their powers and functions to promote, develop and strengthen their self-reliance;

g. Monitor, in coordination with the Civil Service Commission, any personnel action that may infringe on the rights of devolved national agency personnel; and

h. Perform such other related functions and responsibilities as may be assigned by the President and the Oversight Committee.

SEC. 2. All national government agencies and local government units are hereby directed to coordinate and cooperate with the Department of the Interior and Local Government to ensure the successful and harmonious implementation of the devolution process geared towards the unhampered and eventually much improved delivery of basic services and facilities to the general public.

SEC 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 21st day of February, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 270
PRESCRIBING THE IMPLEMENTING RULES AND REGULATIONS OF THE
LOCAL GOVERNMENT CODE OF 1991

WHEREAS, Section 25, Article II of the Constitution mandates that the State shall ensure the autonomy of local governments;

WHEREAS, pursuant to this declared policy, Republic Act No. 7160, otherwise known as the Local Government Code of 1991, affirms, among others, that the territorial and political subdivisions of the State shall enjoy genuine and meaningful local autonomy to enable them to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national goals;

WHEREAS, Section 533 of the Local Government Code of 1991 requires the President to convene an Oversight Committee for the purpose of formulating and issuing the appropriate rules and regulations necessary for the efficient and effective implementation of all the provisions of the said Code; and

WHEREAS, the Oversight Committee, after due deliberations and consultations with all the concerned sectors of society and consideration of the operative principles of local autonomy as provided in the Local Government Code of 1991, has completed the formulation of the implementing rules and regulations;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The attached “Rules and Regulations Implementing the Local Government Code of 1991,” which shall form an integral part of this Administrative Order, are hereby approved and adopted for the efficient and effective implementation of the said Code.

SEC. 2. This Administrative Order shall take effect upon its publication in a newspaper of general circulation.

DONE in the City of Manila, this 21st day of February, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 271
DIRECTING THE FORMATION OF A MULTI-SECTORAL FINESSE NATIONAL COMMITTEE
TO FORMULATE AND IMPLEMENT THE PHILIPPINE FINESSE NATIONAL PROGRAM

WHEREAS, there is a need to develop and maximize the use of indigenous energy resources pursuant to the country's goal for energy self-reliance;

WHEREAS, renewable energy systems and energy conservation technologies can both play crucial roles and make significant contribution in achieving the above-mentioned goal;

WHEREAS, the development and utilization of environmentally-benign alternative energy sources, such as renewable energy, and the promotion of energy conservation are becoming imperative in view of the increasing worldwide concern for the protection of the environment;

WHEREAS, a multi-sectoral group from the Philippines has proposed a Financing Energy Services for Small-Scale Energy Users (FINESSE) Program Concept, which was well received by multilateral lending institutions led by the World Bank, the Asian Development Bank and the United Nations Development Program and bilateral donor agencies from the United States and the Netherlands during the FINESSE Workshop in Kuala Lumpur, Malaysia, on October 21 to 25, 1991;

WHEREAS, the above-mentioned lending agencies made commitments that funding would be made available, if the country can come out with a comprehensive, integrated and implementable FINESSE Program;

WHEREAS, the development and implementation of the FINESSE National Program can be expeditiously pursued with active involvement of both the government agencies and the private sector, including non-governmental organizations;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested upon me by law, do hereby order:

SECTION 1. FINESSE National Committee. A FINESSE National Committee shall be organized to be composed of representatives from government agencies, the private sector and non-governmental organizations, and to be charged with the implementation of the FINESSE National Program.

SEC. 2. Mandate. The FINESSE National Committee shall formulate, provide direction, and coordinate implementation of a FINESSE National Program. Such program will make available mechanisms for financing and provisions of support activities needed for the widespread use of viable renewable energy and energy conservation technologies.

SEC. 3. Tasks. The FINESSE National Committee shall be responsible for:

- developing the implementation guidelines of the FINESSE National program;
- identifying priorities of the program and formulating mechanisms for their implementation; and
- monitoring and evaluation of the FINESSE National Program.

SEC. 4. Composition. The FINESSE National Committee shall be headed by the Executive Director of the Office of Energy Affairs, who shall be its Chairman. The Office of Energy Affairs, especially its Non-Conventional Resources Division and Conservation Division, shall serve as the Secretariat.

The following government agencies, in addition to the Office of Energy Affairs, shall serve as the core group of the Committee:

- National Power Corporation
- National Economic Development Authority
- National Electrification Administration
- Department of Finance
- Department of Trade and Industry
- Development Bank of the Philippines

As may be determined by the Committee to be warranted and necessary in the performance of its tasks, its membership may be expanded by the Committee to include representatives from other government agencies, including government-owned and controlled corporations, non-governmental organizations and private entities.

The Committee may further call upon any of these government agencies, non-governmental organizations and private entities for assistance as it may deem appropriate for more effective attainment of the objectives of the FINESSE National Program.

SEC. 5. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 3rd day of March, in the year of Our Lord, ninety hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 272
REQUIRING PERMIT AND CLEARANCE FROM THE NATIONAL FOOD AUTHORITY PRIOR
TO ANY IMPORTATION OF CORN, FEEDGRAINS AND/OR THEIR SUBSTITUTE

WHEREAS, the long dry spell in some areas notwithstanding, there is at present an abundant supply of corn in the country; and

WHEREAS, as mandated by Presidential Decree No. 4, as amended, and NFA Council Resolution 13-87, there is a need to protect the local corn industry as well as local producers of other feedgrains and their substitutes by regulating the importation of corn and other commodities as replacement of corn in the feed ration at least for the duration of abundant supply;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. All government agencies having to do with importation of commodities must see to it that prior to any importation of corn or other feedgrains and their substitute is effected, an import permit and clearance from the National Food Authority shall first be obtained by the importer, whether such importation is for his own consumption or for resale.

SEC. 2. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 13th day of March, in the year of our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 273

ALLOWING NATIONAL GOVERNMENT AGENCIES AND LOCAL GOVERNMENT UNITS, INCLUDING GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS AND GOVERNMENT FINANCIAL INSTITUTIONS, TO PARTICIPATE IN THE PRESIDENT'S SUMMER YOUTH PROGRAM AND EXEMPTING THEM FROM CERTAIN PROVISIONS OF ADMINISTRATIVE ORDER NO. 265, CURRENT SERIES

WHEREAS, Executive Order No. 395 dated 20 February 1990 establishes the President's Summer Youth Program and orders its implementation during the months from March to June of every year;

WHEREAS, the same Executive Order directs that the amount necessary for the Summer Youth Program for the succeeding years shall be included in the annual budget;

WHEREAS, Administrative Order No. 265 dated 31 January 1992 directs the continued adoption of economy measures in government operations for Calendar Year 1992; and

WHEREAS, the effective participation of government agencies in the Summer Youth Program shall be affected by certain provisions of Administrative Order No. 265;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. All national government agencies and local government units, including government-owned and -controlled corporations and government financial institutions, participating in the Summer Youth Program shall be exempted from the following provisions of Section 4 of Administrative Order No. 265:

- a. Subsection (a) on the deferment of all new non-infrastructure projects; and
- b. Subsection (c) on the suspension of the conduct of seminars, conventions as well as cultural and sports activities.

SEC. 2. The exemptions herein provided shall apply exclusively to the activities of the participating agencies in pursuit of the President's Summer Youth Program.

SEC. 3. National government agencies and local government units, including government-owned and -controlled corporations and government financial institutions, are hereby authorized to enlist qualified youth trainees, interns and volunteers under the Summer Youth Program and to pay each trainee, intern or volunteer an allowance in an amount not to exceed ₱75.00 per day. The allowances for the trainees shall be charged against the savings of the participating agency.

SEC. 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 26th day of March, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 274

AMENDING ADMINISTRATIVE ORDER NO. 245, SERIES OF 1991, CONSTITUTING THE INTER-AGENCY TASK FORCE TO MONITOR AND COORDINATE THE ARREST AND INVESTIGATION OF KIDNAPPERS AND THE PROSECUTION OF KIDNAPPING CASES IN METRO MANILA AND THROUGHOUT THE COUNTRY

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION. 1. Section 1 of Administrative Order No. 245, series of 1991, is hereby amended to read, as follows:

“SECTION 1. There is hereby constituted an Inter-agency Task Force to monitor and coordinate the arrest, investigation and prosecution of kidnapping cases committed in Metro Manila and throughout the country, composed of the following:

The Secretary of the Interior and Local Government	- Chairman
The Secretary of Justice	- Co-Chairman
The Director-General Philippine National Police	- Member
The Chief State Prosecutor National Prosecution Service	- Member
The Director National Bureau of Investigation	- Member

SEC. 2. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 31st day of March, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 275
AUTHORIZING PNB GENERAL INSURANCE CO., INC., TO BECOME A SURETY UPON
OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that, whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond, or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by a corporation organized under the laws of the Philippines having power to guarantee the fidelity of persons holding positions of public or private trust, and to execute and guarantee bonds of undertakings in judicial proceedings, and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, judge, officer, board or body, executive, legislative, or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking, unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has by contract with the Government of the Philippines been authorized to become a surety upon official recognizances, bonds, and undertakings;

WHEREAS, PNB General Insurance Co., Inc., is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize PNB General Insurance Co., Inc., to become a surety upon official recognizances, stipulations, bonds, and undertakings in such manner and under such conditions as are provided by law, subject, however, to the condition that the amount constituting the contributed surplus fund shall not at anytime be withdrawn without prior recommendation and justification by the Insurance Commissioner duly approved by the Secretary of Finance, and provided further, that the moment PNB General Insurance Co., Inc., becomes indebted to any government instrumentality or political subdivision thereof, or to any government-owned or controlled corporation in the total amount of ₱50,000.00 accruing from the issuance of bonds, the same having become due and demandable, the insurance company must voluntarily desist from writing or issuing all kinds of bonds until the outstanding liabilities in government bonds shall have been fully paid or settled. Non-payment of liabilities shall be a cause for the immediate revocation of this Administrative Order.

Done in the City of Manila, this 2nd day of April, in the year of Our Lord, nineteen hundred and ninety two.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 276
CREATING A NATIONAL COMMITTEE TO TAKE CHARGE OF THE CELEBRATION OF
PHILIPPINE INDEPENDENCE DAY ON JUNE 12, 1992

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby create a National Committee to take charge of the celebration of Philippine Independence Day on June 12, 1992.

The Committee shall be composed of the following:

Secretary of Finance	–	Chairman
Chief of Staff of the Armed Forces of the Philippines	–	Vice Chairman
Secretary of Foreign Affairs	–	Member
Secretary of Agriculture	–	Member
Secretary of Public Works and Highways	–	Member
Secretary of Education, Culture and Sports	–	Member
Secretary of Labor and Employment	–	Member
Secretary of National Defense	–	Member
Secretary of the Interior and Local Government	–	Member
Secretary of Tourism	–	Member
Secretary of Transportation and Communications	–	Member
Secretary of Social Welfare and Development	–	Member
Secretary of Budget and Management	–	Member
Press Secretary	–	Member
Head, Presidential Management Staff	–	Member
Chief of Presidential Protocol	–	Member
Chairman, Metro Manila Authority	–	Member
Chairman of the National Historical Institute	–	Member

The Committee shall meet at the call of the Chairman and for purposes of discharging its functions, it may create such sub-committees as may be necessary.

The Committee is hereby authorized to call upon any department, bureau, office, agency or instrumentality of the government, including government-owned or controlled corporations, for such assistance as it may need in the discharge of its functions.

DONE in the City of Manila, this 13th day of April, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 277
CREATING A NATIONAL COMMITTEE TO TAKE CHARGE OF THE PRESIDENTIAL
INAUGURAL CEREMONIES ON JUNE 30, 1992

Pursuant to the powers vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby create a National Committee to take charge of the Presidential Inaugural Ceremonies on June 30, 1992.

The Committee shall be composed of the following:

Executive Secretary	–	Chairman
Secretary of the Interior and Local Government	–	Vice-Chairman
Undersecretary of Foreign Affairs	–	Member
Undersecretary of Tourism	–	Member
Undersecretary of Budget and Management	–	Member
Press Undersecretary	–	Member
Head, Presidential Management Staff	–	Member
Chief of Presidential Protocol	–	Member
Commander, Presidential Security Group	–	Member

The Committee shall meet at the call of the Chairman and for purposes of discharging its functions, it may create such sub-committees as may be necessary.

The Chief of Presidential Protocol shall be the head of the Committee Secretariat.

The Committee is hereby authorized to call upon any department, bureau, office, agency or instrumentality of the government, including government-owned or controlled corporations, for such assistance as it may need in the discharge of its functions.

DONE in the City of Manila, this 13th day of April, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 278

**DIRECTING THE STRENGTHENING OF THE INTERNAL CONTROL SYSTEMS OF
GOVERNMENT OFFICES, AGENCIES, GOVERNMENT-OWNED AND/OR CONTROLLED
CORPORATIONS, INCLUDING GOVERNMENT FINANCIAL INSTITUTIONS AND LOCAL
GOVERNMENT UNITS, IN THEIR OPERATIONS**

I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. In addition to the provisions of Section 1 of Administrative Order No. 119, Series of 1989, all heads of government offices, agencies, government-owned and/or controlled corporations, including government financial institutions and local government units, shall organize Internal Audit Services (IAS) in their respective offices, as follows:

- 1.1 The Internal Audit Service (IAS) shall be an integral part of the office/organization and shall assist the institution management in the effective discharge of its responsibilities insofar as the same would not encroach on or be adversarial with those of the auditors of the Commission on Audit. It shall function in accordance with the policies established by the provisions of Republic Act No. 3456, as amended by Republic Act No. 4177, and shall perform staff functions with primary responsibilities encompassing the examination and evaluation of the adequacy and effectiveness of internal control and the quality of performance. The internal audit activities shall include the following:
 - 1.1.1 Ascertaining the reliability and integrity of financial and operational information and the means used to identify, measure, classify and report such information;
 - 1.1.2 Ascertaining the extent of compliance and reviewing the systems established to ensure compliance with government policies, plans and procedures, laws and regulations which have impact on operations;
 - 1.1.3 Ascertaining the extent to which the assets and other resources of the institutions are accounted for and safeguarded from losses of all kinds;
 - 1.1.4 Reviewing and evaluating the soundness, adequacy and application of accounting, financial and other operating controls and promoting the most effective control at reasonable cost;
 - 1.1.5 Reviewing operations or programs to ascertain whether or not results are consistent with established objectives and goals and whether or not such programs are being carried out as planned;
 - 1.1.6 Evaluating the quality of performance of groups/individuals in carrying out their assigned responsibilities; and
 - 1.1.7 Recommending corrective actions on operational deficiencies observed.

-
- 2.0 In addition to its above duties, the IAS may be called upon to perform special assignments by the Head of the Agency. However, it shall not be responsible for or required to participate in procedures which are essentially a part of regular operating activities or in operations which are the primary responsibility of another unit in the organization. The IAS shall be detached from all functions of routine operating character, such as the following:
- 2.1 Pre-audit of vouchers and counter-signature of checks;
 - 2.2 Inspection of deliveries, although the internal auditor may, as part of his examination, observe inspection;
 - 2.3 Preparation of treasury and bank reconciliation statements;
 - 2.4 Development and installation of systems and procedures; however, in exceptional cases, the internal auditor may assist by way of giving suggestions;
 - 2.5 Taking physical inventories; however, the internal auditor may review the plans in advance and observe and test-check the accuracy of counting, costing and summarizing;
 - 2.6 Maintaining property records; and
 - 2.7 All other activities related to operations.
- 3.0 The IAS shall be provided with sufficient support from the top management to gain the cooperation/confidence of the auditee.
- 3.1 In the performance of their function, the internal auditors should be able to exercise independence to render impartial and unbiased judgments essential to the proper conduct of the audit.
 - 3.2 The auditor should be able to gather sufficient evidential matters in support of his findings and recommendations.
 - 3.3 The Head/Chief of the IAS shall report directly to the Head of the Agency.
- 4.0 Internal audit shall be performed with proficiency and due professional care.
- 4.1 The IAS shall provide assurance that the technical proficiency and educational background of internal auditors are appropriate for the audit to be performed.
 - 4.2 Internal auditors shall possess/obtain the knowledge, skills and discipline needed to carry out the audit responsibilities of the IAS.
 - 4.3 The IAS shall provide assurance that internal audits are properly supervised and performed with due professional care.
 - 4.4 The IAS shall conduct the audit in conformity with the standards of the internal audit profession.
 - 4.5 The Code of Ethics promulgated by the Association of Government Internal Auditors (AGIA) shall be strictly observed to maintain high standards of honesty, objectivity, diligence and loyalty.

SEC. 2. In order to best serve the interests of their Offices, in particular, and of the government service, in general, all Heads and Staff of the Internal Audit Service shall cooperate and actively participate in the activities of the AGIA.

SEC. 3. The AGIA shall ensure that internal audit practices, methods and procedures are improved and updated through continuing education and that all audit works for each government agency are conducted in conformity with the standards of the internal audit profession.

SEC. 4. Agencies without an internal audit service/unit shall constitute one to be staffed by assigning or deploying personnel from other units of the Agency.

SEC. 5. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 28th day of April, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 279
PRESCRIBING RULES AND REGULATIONS FOR THE ESTABLISHMENT AND
ADMINISTRATION OF A PROVIDENT FUND OF AGENCIES COVERED BY SECTION 41
OF THE GENERAL PROVISIONS OF REPUBLIC ACT NO. 7180

WHEREAS, Section 41 of the General Provisions of Republic Act No. 7180 authorizes the surplus of service fees deposited with the National Treasury to be constituted into a Provident Fund which shall be available to employees for emergency needs, school and educational loans, hospitalization loans, and loans for minor but immediate repair of houses and other similar circumstances;

WHEREAS, the same provision mandates that the said Fund shall be administered pursuant to a set of rules and regulations which the Office of the President shall promulgate;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Purpose. - Pursuant to Section 41, General Provisions of Republic Act No. 7180 and similar provision in succeeding general appropriation acts, a Provident Fund is hereby authorized to be established in the departments, bureaus, offices, and agencies covered thereby, to be administered, managed, and utilized in accordance with the following overall objective, governing structure, and general guidelines.

SEC. 2. Overall Objective. - The Fund shall provide for the granting of benefits and loans to officials and employees of the department, bureau, office, or agency for emergency needs; for their education or that of their children; for their hospitalization or that of their immediate dependents; for minor but immediately needed repair of their houses; and for other similar purposes to be determined by a Board of Trustees, as hereinafter created.

SEC. 3. Governance. - The Fund shall be administered and managed by a Board of Trustees, hereinafter referred to as Board. The Board for each department or department level office or agency shall be composed of the Undersecretary for Finance or equivalent as Chairman, the Assistant Secretary for Human Resource Development or equivalent as Vice-Chairman and Chief Executive Officer, a designated representative of the Secretary of Budget and Management, and other members to be elected or appointed for a term of one year, as follows:

- a. A regional director elected by his peers;
 - b. A bureau/center/service director elected by his peers;
 - c. A technical employee representative appointed by the Department Secretary from among nominees of employee groups in the Department;
 - d. A representative of the Administrative group appointed by the Department Secretary from among nominees or organizations of Administrative personnel in the Department.
-

SEC. 4. Functions and Responsibilities of the Board. - The Board shall be directly responsible for the efficient and effective administration and management of the Fund. It shall have the following duties and functions:

- a. Promulgate, apply, and enforce the rules and regulations governing the use and operation of the Fund;
- b. Determine the type, use, and amounts of loans and other benefits that may be granted and prescribe the applicable repayment schedules and interest rates;
- c. Establish the eligibility requirements for applicants, claimants, and grantees;
- d. Approve all loans, other benefits, and other payments from the Fund;
- e. Designate and appoint the other officers and staff of the Board as may be necessary from among the regular personnel of the Department, and prescribe their duties, functions, and responsibilities;
- f. Create and constitute regional boards if and when the size and spread of operations so warrant, and delegate such functions as may be necessary; and
- g. Perform such other functions as may be necessary to carry out the objectives and purposes of this Order.

SEC. 5. Secretariat of the Board. - Unless otherwise prescribed by the Board, the existing Employees Welfare and Benefits Division or its equivalent shall serve as the Board Secretariat, headed by its Chief who shall recommend the functions, organization, and compensation of the staff for approval by the Board.

SEC. 6. Restriction on Compensation and Expenses. - All members, officers, and staff of the Board shall serve without compensation, except for payment of actual overtime services rendered by clerical staff. Reasonable expenses incurred by members of the Board in connection with Board activities may, however, be reimbursed upon presentation of receipts and other documentary evidence in support of the claim. Any claim for reimbursement of actual and necessary expenses incurred in connection with activities of the Board shall be evaluated and processed in accordance with existing accounting and auditing rules and regulations.

SEC. 7. Fund Sources and Depository. - The primary source of the Fund herein authorized shall be the balance of service fees paid by public and private agencies availing of procurement, payroll deduction, and other services rendered by the departments, bureaus, offices, and agencies concerned. All income from operations shall likewise accrue to the Fund. The Fund shall be deposited as a special account in the National Treasury or in duly authorized government depository banks.

SEC. 8. General Guidelines, Limitations, and Restrictions on the Use of the Fund. - All payments out of the Fund and the use of all proceeds from the utilization thereof shall be strictly in accordance with the following general guidelines, limitations, and restrictions:

- a. The Board shall adopt policies that will provide for the widest and most equitable dispersal of benefits.
 - b. The Board shall prescribe rules and regulations which will preserve the integrity of the Fund and maintain its viability.
 - c. The principal of the Fund may be utilized to extend guaranteed loans. Expenses and other payments shall be charged against income from operations and any surplus shall accrue to the principal at the end of the fiscal year.
-

- d. Repayment of loans shall be through automatic deduction from the borrower's salary and from other sums accruing to him in the event of his separation from the service.
- e. If any portion of the Fund remains unutilized for a substantial portion of time, such may be invested exclusively in Treasury bills or other government securities.
- f. Any balance remaining in the Fund shall revert to the National Treasury in the event of termination of the Fund.

SEC. 9. Audit of the Fund. - The Fund and its operations shall be audited by the Commission on Audit, through its representative.

SEC. 10. Annual Report. - The Board shall prepare and submit an annual report on the operations of the Fund and its financial condition and status at the end of each year to the Office of the President, the Department of the Budget and Management, and to the Department Secretary concerned.

In case of failure to submit said requirements, the Department of Budget and Management shall order the suspension of all new transactions on the Fund until which time that said requirements are complied with.

SEC. 11. Effectivity. - This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 5th day of May, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 280
IMPOSING THE PENALTY OF SUSPENSION OF SIX MONTHS TO MS. MARIVIC V. BONITA,
FOREIGN SERVICE OFFICER CLASS III, DEPARTMENT OF FOREIGN AFFAIRS

This refers to the administrative case filed by the Department of Foreign Affairs against Ms. Marivic V. Bonita for malfeasance in office, misconduct and frequent unauthorized absences from duty.

After due investigation, the Board of Foreign Service Administration found the following:

“1. Malfeasance in Office

On 12 February 1990, respondent Bonita, while serving as 3rd Secretary and Vice-Consul at the Philippine Embassy in Hanoi, transmitted without authorization to the Vietnamese Foreign Affairs Ministry a note verbale, containing the contents of a Memorandum Circular from the Home Office classified “Secret” in the interim administration of Cambodia, in violation of Department Memorandum Circular No. 82-89 dated 10 January 1989 in connection with Memorandum Circular No. 78 of the Office of the President dated 14 August 1964. The wrongful act of respondent has caused embarrassment to the Department and has prejudiced the interest and prestige of the Philippine Government.

In her Answer to the charge sheet, Ms. Bonita admitted having transmitted the note verbale to the Vietnamese Foreign Ministry, but claimed that she was motivated with good intentions, that she did not mean to intentionally reveal Philippine position and that she overlooked the fact that the circular message from the Department was classified.

The Board held that her defense is untenable and reflects the negligence of respondent. As a foreign service officer and at the same time the Charge d’Affaires, a.i. of the Embassy, she should have verified the exact message received from the Department especially since it was coursed through radio.

2. Misconduct and Frequent Unauthorized Absences

The respondent admitted that she was absent from duty at the Philippine Embassy in Hanoi from 16 September to 30 November 1989 without approved leave of absence. She had an approved leave of absence from 15 August to 15 September 1989, but after the lapse of the period she kept the embassy in Hanoi as well as the Home Office in the dark as to her whereabouts.”

In recommending the penalty of suspension for six months, the Board considered the previous administrative case against respondent Bonita for immoral and disgraceful conduct while assigned at the Philippine Embassy in Nairobi, Kenya and for which she was reprimanded and warned by the Secretary of Foreign Affairs.

In view of the foregoing, the findings of the Board of Foreign Service Administration are sustained and respondent Marivic V. Bonita is hereby SUSPENDED for a period of six (6) months.

DONE in the City of Manila, 22nd day of May, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 281
IMPOSING THE PENALTY OF DISMISSAL FROM SERVICE OF LUIS C. PERDICES,
CHIEF OF MISSION I, DEPARTMENT OF FOREIGN AFFAIRS

This pertains to the administrative case filed against Mr. Luis C. Perdices, Chief of Mission I by the Department of Foreign Affairs, (hereinafter, the “Department”) for dishonesty, conduct prejudicial to the best interest of the service and for violation of MFA Instructions No. 13/17.V.85. This issuance strictly prohibits all DFA officers and employees from intervening on behalf of anybody in the issuance of visas from any foreign embassy or consulate.

The records show that on 15 October 1990, the Department instituted the instant administrative case against respondent Perdices upon the recommendation of the National Bureau of Investigation (NBI) on the basis of its evaluation of the complaint filed by Luviminda Festin, Leonardo Mirafuente, Benjamin Manalo and Lourilie dela Rosa.

The NBI investigation showed that complainants are U.S. visa applicants who, upon the representation and assurance by respondent that he can secure their visas within two weeks, agreed to pay respondent the total amount of US\$4,000, US\$2,000 downpayment and the remaining US\$2,000 upon their arrival to the United States. Mr. Perdices, however, failed not only to secure the visas but also to return the money.

Independent of the administrative case, a criminal case for Estafa under Art. 315 of the Revised Penal Code was also filed by the NBI against respondent with the City Prosecutor of Manila.

In his answer, respondent moved for the dismissal of the administrative case on the ground that the criminal case for Estafa has already been dismissed by the City Prosecutor of Manila in view of the desistance of the complainants. Complainants, in their joint-affidavit of desistance, stated that “respondents have attended to our complaints and have paid us fully to our satisfaction”.

The Board of Foreign Service Administration denied the motion of respondent for dismissal and, in finding the respondent guilty of the charges, held that “the desistance of the complainants does not preclude the imposition of administrative disciplinary action because there is preponderance of evidence that respondent, senior foreign service officer who has a rank of Chief of Mission I, not only failed to uphold the high standard of integrity, dignity and honor required of him as Chief of Mission but violated DFA rules and regulations and committed acts of dishonesty”.

Records also show that as early as 1 September 1988, the Department charged respondent with grave misconduct, conduct prejudicial to the best interest of the service and malfeasance on the basis of a sworn complaint filed by one Mae Legaspi Solevilla Norva. It was alleged by Ms. Norva that respondent promised to secure the U.S. visa of her nephew in return for the sum of ₱30,000 in cash and another ₱30,000 in kind. Mr. Perdices failed to secure the visa of Ms. Norva’s nephew and return the money paid to him.

Although the case was dismissed in view of the failure of the complainant to attend any of the hearings, respondent was admonished and reminded to be more circumspect in his dealings in consonance with the conduct of an Ambassador.

More recently, or on 2 April 1991, the Office of the Ombudsman requested the assistance of the Department’s Resident Ombudsman in serving copies of complaints against respondent for similar

offenses, i.e. visa-fixing activities. It appears that the NBI recommended the filing of criminal charges for estafa against respondent for his failure to secure the promised U.S. visas and return the money of 3 complainants who sought the assistance of the NBI.

Section 1, Article XI of the Constitution provides that:

“Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.”

Also, Section 1(f), Rule X of the Rules Implementing the Code of Ethical Standards for Public Officials and Employees provides:

“In addition to the grounds for administrative disciplinary action prescribed under existing laws, the acts and omissions of any official or employee, whether or not he holds office or employment in a casual, temporary, hold-over, permanent or regular capacity, declared unlawful or prohibited by the Code, shall constitute grounds for administrative disciplinary action, and without prejudice to criminal and civil liabilities provided herein, such as:

xxx

(f) Soliciting or accepting, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of, his office. The propriety or impropriety of the foregoing shall be determined by its value, kinship or relationship between giver and receiver and the motivation. A thing or monetary value is one which is evidently or manifestly excessive by its very nature.”

It may be argued that the desistance of the complainants materially affects the continuance of the instant administrative case. We are, however, mindful of the pronouncement of the Civil Service Commission that administrative offenses affect not only rights of private individuals but also those of the public, in view of which, desistance by the complainant does not ipso facto discharge respondent of any responsibility (Civil Service Board of Appeals [CSBA], Administrative Case No. R-13011, Nestorio Gatongay, Respondent-Appellant). Also, mere withdrawal of the complainant does not ipso facto exculpate the respondent from liability, more so when the charges can be proven by other evidence independent of those which can be presented by the complainant (CSBA Administrative Case No. R-14920 - Amadeo Ortiz, Respondent-Appellant).

It should be noted that the desistance of the complaining witnesses was on the ground that “respondents have attended to [their] complaints and have paid [them] fully to [their] satisfaction”. Thus, it is evident therefrom that there was no claim that respondent did not commit the acts complained of but only restituted the complainants of the money due them. Desistance on such ground does not, and should not, liberate respondent from liability. On the contrary, he should be held fully accountable and responsible for his illegal acts. The unrestrained propensity of the respondent to commit such acts which greatly compromised the integrity and honor of the Department of Foreign Affairs and the entire foreign service career corps warrants severe administrative sanction.

WHEREFORE, in view of the foregoing Luis C. Perdices is hereby DISMISSED from the foreign service.

DONE in the City of Manila, this 25th day of May, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 282
RENAMING THE NATIONAL EDUCATIONAL LEARNING CENTER AS THE NATIONAL
EDUCATORS ACADEMY OF THE PHILIPPINES AND FOR OTHER PURPOSES

WHEREAS, the quality of Philippine education, particularly at the basic education level, is highly dependent on the efficient and effective management of the school system and the educational processes;

WHEREAS, the development of the potentials of educational managers towards professional competence and management excellence can be best enhanced to the maximum through career-oriented development programs;

WHEREAS, the progressive development and attainment of the highest professional competence and management excellence among leaders in the educational bureaucracy can only be accelerated and sustained through an identifiable institution within the Department of Education, Culture and Sports;

WHEREAS, the National Education Learning Center (NELC) at the Teachers' Camp, Baguio City - created under Letter of Instructions No. 1487 dated 10 December 1985 - to sustain gains derived from the Program for Decentralized Educational Development (PRODED) mainly addressed concerns related to the improvement of the school curricula and the development of better instructional materials, the reorientation and retraining of teachers and the improvement of the management capabilities of superintendents, supervisors and administrators at the elementary level;

WHEREAS, the State recognizes the need to identify an institution in the Department of Education, Culture and Sports that would respond to the demands for professional competency as well as management and leadership excellence in the educational community;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law do hereby order:

SECTION 1. The National Education Learning Center (NELC) at the Teachers' Camp, Baguio City, shall be renamed as the National Educators Academy of the Philippines (NEAP).

SEC. 2. The National Educators Academy of the Philippines shall, in addition to the present functions of the former National Education Learning Center, have the following objectives:

- a. To provide continuing strategic human resource development programs for school managers and leaders within the context of emerging legitimate demands on scarce human and material resources;
- b. To promote synergetic partnerships and linkages with centers of excellence locally and internationally, from both government and non-government sectors;
- c. To develop programs that address career planning and pathing for potential educational managers and leaders;
- d. To promote intellectual inquiry into non-traditional and innovative alternatives and strategies in educational management;
- e. To serve as a venue and a forum for individual and institutional academic exchange; and
- f. To initiate an assessment and evaluation mechanism to ensure the sustenance of quality development, recruitment, selection and promotion.

SEC. 3. The components of the National Educators Academy of the Philippines shall be modified to include the following:

- a. Research and Program Development;
- b. Training and Materials Development.

The Research and Program Development component shall encourage research-based strategic human resources development programs. It shall accommodate fellows from academic institutions in both government and non-government sectors.

The Training and Materials Development component shall develop print and non-print training materials for the identified programs of the Academy.

SEC. 4. The organizational structure and staffing pattern (Annex "A") of the National Educators Academy of the Philippines shall be provided from the existing personnel complement of the Department of Education, Culture and Sports, through staff redeployment and secondment from other DECS offices. The personnel of the Staff Development Division of the Human Resource Development Service of the DECS under the Office of the Assistant Secretary for Human Resource Development shall constitute the initial staff complement of the Academy.

SEC. 5. The phases of this Order requiring budgetary action shall be included in the 1993 budget while the aspects requiring no budgetary measure shall be implemented immediately.

DONE in the City of Manila, this 27th day of May, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 283
EXONERATING ROLANDO M. LIBAS, CHIEF OF MISSION II,
DEPARTMENT OF FOREIGN AFFAIRS

This refers to the administrative case filed by the Department of Foreign Affairs, against Mr. Rolando M. Libas, Chief of Mission II, for Insubordination, Misconduct, and Conduct Prejudicial to the Best Interest of the Service.

Antecedent facts show that, by virtue of Assignment Order No. 223-89 dated 5 December 1989, respondent was assigned to the Philippine Consulate in Agana, Guam, as Consul General. After the issuance of the corresponding Consular Commission to respondent on 24 January 1990, the Secretary of Foreign Affairs signed Travel Order No. 90-20 on 26 January 1990, authorizing the travel of respondent, together with his family, to Agana, Guam, to assume his post as Consul General.

In compliance with the abovementioned orders, respondent commenced with the necessary preparations to assume his post in Agana, Guam. Diplomatic passports for himself and the members of his family were obtained. Applications for visas were made with the Embassy of the United States. Also, in his Memorandum, dated 12 February 1990, to the Acting Director-General of the Office Personnel and Administrative Services (OPAS) Mr. Ernesto V. Llamas, respondent informed OPAS that he is “preparing to depart for Guam pursuant to A.O. 223-89 . . . on or before 31 March 1990”. In the same Memorandum, respondent sought the assistance of OPAS in requesting the appropriate government agencies to brief him on “matters concerning the promotion of trade, investment and tourism as well as the Philippines’ programs for economic development” and to “update him on these agencies’ current undertaking with regards to the latest thrust of the Philippine Government for economic development”.

Sometime during the second week of March 1990, then Acting Chief Coordinator Alfredo Almendrala, Jr., informed respondent of the DFA Secretary’s instructions for him (respondent) to be in Guam in time for the Secretary’s scheduled visit on 5-6 April 1990.

In his letter of 29 March 1990, Acting Secretary of Foreign Affairs, Manuel T. Yan, advised respondent that A.O. No. 223-89 dated 5 December 1989, has been cancelled. Respondent was also “instructed not to proceed to Agana and to remain in the Home Office until further notice”.

On 24 April 1990, Mr. Llamas asked respondent to “explain in writing, within seventy two (72) hours, why no administrative case shall (sic) be filed against [him] for not proceeding to Agana, Guam immediately and assume duties as Consul General at the Phil. Consulate General, Agana”. Mr. Llamas also alleged that “[d]espite the verbal instruction of Secretary Raul S. Manglapus for [respondent] to be present [in his] assigned post during the Secretary’s visit in Guam as relayed by then Acting Chief Coordinator Alfredo L. Almendrala, Jr., [respondent] failed to proceed to [his] post and assumed duties thereat”.

In his letter-reply of 27 April 1990, respondent pointed out that he has not violated any regulation that would warrant the filing of administrative charges against him. He further stated that he “undertook necessary steps to comply with Assignment Order No. 223-89 and the verbal instruction relayed by the then Acting Chief Coordinator to be present in Agana during the Secretary’s visit’ thereat”. Finding respondent’s written explanation of 27 April 1990 to be unsatisfactory, OPAS

Acting General Director Rolando S. Gregorio formally charged respondent on 29 October 1990 with Insubordination, Misconduct and Conduct Prejudicial to the Best Interest of the Service.

In his Answer dated 14 November 1990 respondent did not make any comment with respect to the charge of Misconduct and Conduct Prejudicial to the Best Interest of the Service for lack of knowledge as to the particulars of the specific acts which respondent committed constituting the offense.

Anent the charge for insubordination, respondent averred that he had undertaken the necessary preparation for his departure for Agana last March 31, 1990, as evidenced by the issuance of diplomatic passports, application for appropriate visas and photostatic copies of quotations from forwarding companies concerning the shipment of his household effects and the respective affidavits of Ildefonso G. Ocampo, Cynthia D. Tayam and Jocelyn C. Banis, all employees of the Office of Financial Management Services (OFMS), DFA, attesting that he was indeed on his way to Agana in compliance with existing orders.

Respondent further alleged that a) he was not formally ordered to be present at Agana, Guam, in time for the DFA Secretary's visit, it being incumbent upon DFA Acting Chief Coordinator Almendrala to convey the Secretary's order to the OPAS which, in turn, should issue to him the official instruction; b) OPAS was negligent in failing to issue a formal directive to him, as instructed by the DFA Secretary; c) the information conveyed by Almendrala does not constitute a valid order because he was not vested with authority to do so.

A careful review of the records show that there appears to be no particular act/acts or omissions which respondent committed or failed to do that would justify the charge of Misconduct and Conduct Prejudicial to the Best Interest of the Service. The letter of Mr. Gregorio formally charging respondent of the alleged offenses failed to cite any specific act/acts or misdeed which respondent committed which could be interpreted as a misconduct or much less conduct prejudicial to the best interest of the service.

With respect to the charge of insubordination, it is important to determine what law, rule, regulation or order which respondent was supposed to have violated or failed to comply with in order to constitute the offense of insubordination. Insubordination, as held in Civil Service Board of Appeals - Administrative Case No. R-8146, Delfin T. Lacsamana, Respondent-Appellant, "imports willful disregard of express or implied directions and refusal to obey reasonable orders of superior"

The formal charge dated 29 October 1990, signed by Mr. Gregorio alleged, inter alia, that:

"In spite of the written orders and verbal instructions to proceed to your post in Agana and assume office thereat, you refused and defied the instructions.

In view thereof, you are formally charged with the offenses of insubordination, misconduct and conduct prejudicial to the best interest of the service."

The only written orders on record are: (1) Assignment Order No. 223-89, dated 5 December 1989; (2) Travel Order No. 90-20, dated 26 January 1990. The only verbal instruction on record was that relayed by then Acting Chief Coordinator Almendrala to respondent for the latter to be in Guam during the visit thereat of the Secretary.

Contrary to the claim by OPAS, records show that respondent clearly manifested his intention to comply with the written and verbal orders in connection with his assumption to the post of Consul General in Agana, Guam. The issuance of diplomatic passports to him and members of his family, application for U.S. visas, solicitation of quotations from forwarding companies concerning shipment of personal effects, flight reservations and booking on or before 31 March 1990, and more importantly his request for briefing by appropriate government agencies concerning trade, investment and tourism as well as the Philippines' current programs and thrusts for economic development belie the assertion that respondent committed the offense of insubordination. As a matter of fact, were it not for the letter

of then Acting Secretary Yan cancelling respondent's A.O., the latter's scheduled flight to Guam on 31 March 1990 would have materialized and respondent would have been in Guam in time for the Secretary's scheduled visit on 5-6 April 1990, thereby complying with both written and verbal orders.

Wherefore, in view of the foregoing, respondent Rolando M. Libas is hereby EXONERATED from the instant charges.

DONE in the City of Manila, this 29th day of May, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) **CORAZON C. AQUINO**

By the President:

(Sgd.) **FRANKLIN M. DRILON**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 284
IMPOSING THE PENALTY OF ONE MONTH SUSPENSION WITHOUT PAY ON
JOSE R. BURGOS, FOREIGN SERVICE OFFICER II, DEPARTMENT OF FOREIGN AFFAIRS

This pertains to the administrative case filed by the Department of Foreign Affairs, hereinafter the “Department”, against Mr. Jose R. Burgos for unauthorized absences and conduct prejudicial to the best interest of the service.

The pertinent facts of the case are uncontroverted.

Respondent filed with the Philippine Consulate General in San Diego, California, U.S.A., an application for emergency leave for twenty-one (21) working days from 14 February to 14 March 1991. On 14 February 1991, respondent’s request for leave was transmitted to the Department through the Office of the Personnel and Administration (OPAS) by Consul and Principal Officer Gloria R. Da Rodda of the Philippine Consulate General, San Diego.

Pending approval of his application for leave, respondent left San Diego en route to Manila. On 19 February 1991, respondent reported at the Department and logged-in at the Register of Returning Foreign Service Personnel at the OPAS.

In a letter-telex dated 27 February 1991, respondent was directed by the Undersecretary Pablo R. Suarez of the Department to explain in writing within twenty-four (24) hours why no administrative action should be taken against him for violation of Section 588 of the Foreign Service Code and Sections 3 and 6 of Memorandum Circular No. 2, S.1985. of the Civil Service Code.

In response to the letter of USec. Suarez, respondent explained that the Head of Post in the Consulate General in San Diego already approved his application for leave but the transmittal thereof to the Home Office had been delayed. Moreover, respondent claimed that a member of his family was in serious health condition prompting his immediate return to Manila.

Finding his explanation unsatisfactory, the Department, on 12 March 1991, formally charged respondent with violation of existing Civil Service Rules and Regulations and Section 588 of the Foreign Service Code, Unauthorized absences and Conduct Prejudicial to the Best Interest of the Service.

The only issue to be resolved in the instant case is whether or not respondent left his post or assignment of duty without authority from the Home Office.

In his Answer to the formal charges dated 21 March 1991, respondent admitted that “[his] request for an emergency leave to Manila has caused some misunderstanding and miscoordinations so much so that the necessary approval from the Secretary of Foreign Affairs was not obtained”(emphasis supplied).

In view of the foregoing, respondent Jose R. Burgos is hereby **SUSPENDED** for a period of one (1) month without pay.

DONE in the City of Manila, this 29th day of May, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) **CORAZON C. AQUINO**
President of the Philippines

By the President:
(Sgd.) **FRANKLIN M. DRILON**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 285
EXONERATING HERMES J. DORADO OF THE DEPARTMENT OF FOREIGN AFFAIRS

This pertains to the administrative case filed by the Department of Foreign Affairs, hereinafter the “Department”, against Mr. Hermes J. Dorado for misconduct and conduct prejudicial to the best interest of the service.

Records show that the Italian Chief of Protocol, in his letter dated 28 October 1986 to Ambassador Zaldariaga, requested the waiver of diplomatic immunity on respondent Dorado, who was Second Secretary of the Philippine Embassy at the time. The Italian Chief of Protocol claimed that respondent unduly interfered with the police while the latter was conducting an investigation into the alleged illegal business transaction of DPC Enterprise, as Filipino registered company. The Italian authorities maintained that the DPC Enterprise facilitated the remittance of Filipino contract workers’ in violation of Italian currency laws.

Investigation showed that when the Italian police attempted to search the residence at Via Archemide St., the place where DPC was supposed to be conducting its illegal activities, respondent invoked diplomatic immunity. The residence in question was also the home of the DPC representative to Rome, a certain Mr. Danilo Cordova. The claim of respondent that the apartment was registered in his name was disputed by the Italian Foreign Ministry since there was no advise from the Philippine embassy that said apartment was being rented by respondent as a second residence. It was also claimed by the Chief of the Italian Protocol that respondent is aware of the illegal transactions being committed by DPC. The Philippine Embassy, subsequently, received numerous complaints against DPC from Filipino contract workers in Rome who reported that the money which they entrusted to the DPC representative for remittance to the Philippines never reached their beneficiaries. Respondent, for his part, denied all these allegations in his telex to the Board of Foreign Service Administration dated 24 October 1986 and in his letter dated 10 March 1987.

Pending investigation of the case by the Board of Foreign Service Administration (BFSA), respondent was transferred to the Philippine Embassy in Bonn without the issue of waiver of his immunity having been resolved.

On 20 October 1987, the Ad Hoc Committee created to investigate the matter found that a prima facie case existed against respondent but recommended to the Board the dismissal of the charges against respondent for lack of interest on the part of the complainants to pursue the case. However, the Board, in its Resolution dated 10 January 1989, rejected the above recommendation and, instead, took cognizance of the complaint against respondent. The case was then assigned to the Board’s investigation Committee No. 1 headed by Assistant Secretary Vicente De Vera.

In the meantime, however, a report from Ambassador Cesar Espiritu of the Philippine Embassy in Bonn was received by the Board regarding the complaint of some Filipinos and German nationals who applied for Certificates of Legal Capacity to contract marriage with said Embassy. It was alleged that respondent had been collecting fees from them for translation in German of the Certificates of Legal Capacity and cost of photocopying of the supporting documents without receipts.

After finding that there exists a *prima facie* case against respondent, Mr. de Vera, on 16 January 1989, formally charged respondent with misconduct and conduct prejudicial to the best interest of the service pursuant to the provisions of P.D. 807 and R.A. 708.

The only issue in the instant case is whether or not the actuations of respondent in Rome and in Bonn constitute misconduct within the purview of par. 4, Section 36b of P.D. 807 in relation to Part B, Section 1(b), Title IV of R.A. 708, as amended

Misconduct has been defined as a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. It implies a wrongful intention and not a mere error of judgment (in re: Impeachment of Horrilleno, 43 Phil. 214).

In addition to the high demand for high physical, mental and moral qualifications, foreign service officers are further required to observe a standard of personal and official conduct. These norms are provided in Section 464, Book III of the Foreign Service Code of 1983. Pertinent to the present case is the norm set forth in Section 464 (k) which provides:

“Engaging in Business and Allied Transactions. - - No officer or employee including members of their families in the post, shall engage in business in his own name or through the agency or any other person in the country to which he is accredited or residing.

Neither shall they act as attorney, merchant, broker, factor or agent while holding office. Nor shall he permit the use of his name for business reference.

Officers and employees shall not have any remunerative investment in the country to which they are accredited, excepting investments acquired previous to knowledge or assignment. This prohibition shall apply to the owning of real estate, bonds, shares, stocks, and mortgages,”

On the basis of the foregoing, respondent’s relationship, if any, with DPC may be assessed accordingly.

From the evidence adduced, the extent of respondent’s participation in the activities of DPC does not sufficiently establish his alleged financial or business interest in DPC. Neither was there proof presented that he was acting as an agent of DPC.

Respondent’s acts in connection with DPC consist only of the following: first, the remittance scheme proposed by DPC which was welcomed by the Philippine Ambassador to Rome because of the tremendous benefit it would give to the Filipino community, was assigned to the Respondent for a study on the matter and its possible operation in conformity with Italian regulation; second, respondent accompanied the DPC representative to the Italian Finance Ministry to obtain information on the mechanics of establishing such a remittance scheme to the Filipino communities in Naples and Florence was undertaken by him with the consent of the Ambassador; and, fourth, some transactions were made in his presence, but, remittance payments were not made through the respondent but through the DPC representatives. Affidavits were executed by some seven members of the Filipino Community who availed of the remittance scheme. The affiants alleged irregularities therein but did not impute any responsibility to, much less accuse, respondent of any offense.

With respect to the assertion that respondent violated office rules and regulations when he rented an apartment on Via Archimede St. without any official or formal authority, it is difficult to make any pronouncement on the matter since the records do not indicate nor cite the particular office rule or regulation supposed to have been violated by respondent.

Suffice it to state here, however, that respondent did conform with Italian protocol practice with respect with the lease of living quarters by accredited diplomats. Respondent registered the lease with

the Internal Police of Italy as required. He also informed said officials that he was a diplomatic officer of the Philippine Embassy, and apprised Charge d' Affaires Victor Garcia III that he was renting the apartment on Via Archemide. None of these actions indicate willful violations of rules but rather adherence thereto by the respondent.

The accusations against the respondent arising from the operation of a xerox machine in Bonn and the allegations of various complainants applying for legal capacity to marry that they were charged unreasonable fees for translation and photocopying services apparently arose from a misunderstanding. It was amply explained by the respondent that the complainant were being charged for the costs of the photocopying documents and not for translation since the certificates were issued in both English and German. Receipts have also been duly issued by the respondent. Moreover, complainants, have desisted from pursuing the charges apparently because of a loss of interest or for having been satisfied by the clarification made by the respondent. Respondent's actions under these circumstances cannot be considered as the conduct punishable under applicable laws, rules and regulations.

WHEREFORE, in view of the foregoing, Hermes J. Dorado is hereby EXONERATED from the instant charges.

DONE in the City of Manila, this 2nd of June, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) FRANKLIN M. DRILON

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 286
EXONERATING REGIONAL DIRECTOR JOSE C. PENDOZA OF THE DEPARTMENT OF
PUBLIC WORKS AND HIGHWAYS

This refers to the administrative case filed by former Undersecretary Jose F. Mabanta of the Department of Public Works and Highways (DPWH) against Mr. Jose C. Pendoza, Regional Director of the DPWH Region III Office, for dishonesty, falsification of official documents, grave misconduct, neglect of duty and conduct prejudicial to the best interest of the service in connection with the alleged irregularities in the construction of the ₱13 Million Ninoy Aquino By-Way Project.

The charges stemmed from the criminal complaint filed in March 1989 by the DPWH Fact-Finding Committee with the Office of the Ombudsman against Regional Director Pendoza and other DPWH officials stationed at Region III involved in the Ninoy Aquino By-Way Project for violation of the provisions of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act) and Article 208 of the Revised Penal Code. The said criminal complaint recited that respondent Pendoza, “despite his knowledge of the irregularities being committed in the execution of the project, allowed or tolerated infractions of the law, giving unwarranted benefits to the private contractors to the damage and prejudice of the government.”

The same criminal complaint specifically alleged that Regional Director Pendoza allowed the use of substandard materials in the implementation of the Ninoy Aquino By-Way Project and tolerated non-compliance with the specifications prescribed by the Standard Specification for Highways and Bridges, otherwise known as the Red Book.

To support the charges against Regional Director Pendoza, the DPWH Fact-Finding Committee submitted the respective affidavits of Engr. Stephen David, General Construction Foreman Mely Ramoneda and Project Engineer Dante Sarmiento; the Report dated 3 February 1989 submitted by Engrs. Felino Tria, Nestor de Leon, Vicente Miranda and Carlos Baluyot on their investigation of the alleged substandard construction of the concreting of the Ninoy Aquino By-Way; the Report dated 7 February 1989 of Director Jose Espiritu of the Bureau of Research and Standards and Interim Director Edmundo Mir of the Bureau of Construction on the results of the core testing and evaluation; and the Report on Evaluation of Strength and Concrete Cores.

In his counter-affidavit, Regional Director Pendoza denied all the charges and claimed that he followed all the established DPWH procedures and acted in accordance with the results of the tests conducted by his subordinates at the time of the construction.

On 27 December 1989, this Office referred the administrative charges against Regional Director Pendoza to the Secretary of Justice for formal investigation and recommendation.

On 27 March 1992, the Secretary of Justice forwarded to this Office the report and recommendation of the Investigating Committee he constituted, together with the entire records of the case.

In its Report dated 10 January 1992, the Investigating Committee states that the evidence presented during the proceedings disprove the charge that “despite respondent Pendoza’s knowledge of

the irregularities, being committed in the execution of the projects, he allowed or tolerated infractions of the law, giving unwarranted benefits to the private contractors to the damage and prejudice of the government.”

According to the Investigating Committee, the Ninoy Aquino By-Way Project had been properly awarded to the Panday Pira Construction after a public bidding and the assertion that the said construction company was a mere dummy of other people in collusion with respondent Pendoza had not been established by competent evidence.

The 10 January 1992 Report contains the following relevant findings:

“The project fully complied with the requirements set by standard specifications for highways and bridges of the DPWH. The evidence presented by the respondent clearly proved that the construction was done in accordance with pre-set standards of the DPWH and as established by the test employed to determine the strength of the concrete, called the flexural test (Exhibit 5 up to 5-J). The results of the flexural test show that the samples of the paving concrete all met the standard strength of 525 pounds per square inch (psi) or were within [the] required 15% allowance, as provided in Ministry Order No. 12 issued on February 27, 1984 (Exhibit 6).

“The core test applied by the Inspectorate Team of the DPWH to the drilled samples extracted, from the pavement cannot be relied upon in testing the flexural strength of concrete pavements in the light of conclusive technical studies and evaluations which prove that there is absolutely no correlation between flexural strength measured in the beams and compressive strength measured on the cores as applied to concrete pavements in the Philippines (Exhibits 7, 7-A, 7-A-1, 7-A-2, 7-A-3, 7-B and 7-B-1).

“Moreover, the core test is unreliable in testing [the] strength of concrete pavements in view of the sensitivity of the pavement while it is subjected to prolonged and unnecessary vibrations by the core boring machine. As a matter of fact, the strength of the pavement is effectively lessened in the course of the boring.

“In fact, it is the report of the Inspectorate Team itself which militates against and gravely affects the credibility of the claim of complainant when it failed to recommend the condemnation of the project as completed. As it appears on record, the recommendations were 1) for the necessity of an explanation from the implementing agency for further clarification due to [the] discrepancy of the test results, 2) to re-do the work on the deficiency shoulders on certain section which fails to conform with the approved plans and specifications, and 3) the 10% retention should not be released to take care of the discrepancies and the future defects.

“On the other hand, the evidence shows that the By-Way as built is longer by 328.28 linear meters (L.M.) than the specified length of 7,730.00 L.M. The 14 transversal cracks along the By-Way have been described as hairline cracks which have not progressed even as it was [sic] severely jarred by the big earthquake of 1990. The width of the weakened plane of 3/4" instead of 1/4" has not been shown to affect the strength of the concrete even as the use of formed groove is allowed by the standards set. The shoulder defects have been repaired by the contractor. The design mix or cement factor was 9.1 bags/cu. meter at 42.7 kilogram/bag which is over and above the standard of 9.1 bags/cu. meter at 40 kilograms/bag. The deficiency in [the] thickness of the pavement of 118.43 square meter is a very negligible percentage (0.24%) of the whole project which is 48,000 square meter in area, considering that it is very difficult to obtain a 100% accuracy in thickness. The inspection

conducted established the fact that the elevation of the By-Way is higher than what was required in the plans.”

The Investigating Committee asserts that the acts of respondent Pendoza do not constitute dishonesty, absence of integrity or bad faith and do not manifest any disposition on his part to deceive or defraud. The said Committee also finds no sufficient evidence to fault respondent Pendoza with the commission of grave misconduct.

Anent the charge that respondent Pendoza falsified official documents, the Investigating Committee claims absence of competent evidence to substantiate the same. Proof submitted indicated that respondent Pendoza affixed his signature on the documents after his subordinates involved in the project had affixed theirs certifying to the correctness of the facts stated in the documents involved.

Respondent Pendoza has also been charged with neglect of duty and conduct prejudicial to the best interest of the services for his alleged failure to discharge his responsibilities in accordance with the legal standards required of a public officer or employee. These charges proceed from respondent Pendoza’s alleged failure to take the appropriate course of action on the complaint of Engr. Stephen David that irregularities were being committed in the construction of the Ninoy Aquino By-Way.

Testimonial evidence on record indicates that when Engr. David informed respondent Pendoza of the alleged irregularities, the respondent immediately reacted and told him: “*Huwag kang umalis doon. Patupad mo ang plans and specifications. Ako ang malilintikan kay Cory.*” Respondent Pendoza’s reaction manifests that he had neither participation in nor prior knowledge of the alleged irregularities. Otherwise, he would have easily brushed off Engr. David’s information and deflected the latter’s attention to other matters. However, the respondent in fact admonished and enjoined Engr. David to impose his (David’s) authority and to perform his duty to see to the implementation of the project in accordance with the plans and specifications.

Mention should be made that no evidence was presented which would show that Engr. David undertook the specific responsibility respondent Pendoza directed him to assume. As Inspector of the project, Engr. David had the authority to reject questionable materials or suspend the work until any question at issue can be referred to and decided by the Engineer (*Vide* Paragraph 44 [Duties of Inspectors], Part G [Control of Work], Division II, Volume I, 1988 Standard Specifications for Public Works and Highways).

The records also disclose that in addition to enjoining Engr. David to impose his authority as Inspector and designating him as his own representative in the said project, respondent Pendoza also instructed the respective heads of the Materials and Quality Control Division and the Construction Division as well as the Project Engineer of the Ninoy Aquino By-Way to conduct an inquiry into the reported anomalies. These officials assured him there were no such anomalies.

These actions of respondent Pendoza negate the charge that he tolerated the alleged infractions of the law. He should not be faulted for relying on the reports and assurances of his assistants, considering that these men are presumed to be competent and responsible experts in their respective fields of assignment. He had to trust them and rely on them for the proper and expeditious execution of the project.

Respondent Pendoza, in his capacity as Regional Director of the DPWH Region III Office, could not be expected to personally supervise each and every project being implemented within the region. With his numerous administrative and substantive functions as head of the Regional Office, it would be physically impossible for him to proceed to the field and to personally supervise every project. He could not also be expected to personally inspect the mixing of cement and oversee all the time-consuming

construction details. He has the Project Engineer, the heads of each Division and his Inspectors to do these aspects of project implementation for him.

The Functional Chart of a typical Regional Office indicates that upon the Assistant Regional Director rests the duty of exercising supervision over the construction, maintenance and work supervision functions in the region. In the case at bar, considering that the records do not show that the Assistant Regional Director had any participation whatsoever in the prosecution of the project, the Project Engineer should have been charged with the supervision over the construction, maintenance, and work supervision functions of the project. Surprisingly, the DPWH Fact-Finding Committee did not recommend the filing of any administrative charge against the said official.

The allegation that the Government suffered damage lacks merit.

As a whole, the By-Way was completed satisfactorily. Although there might have been defects, these were minor ones which were always expected or were unavoidable. For this reason, the Government requires a 10% retention in every contract to answer for whatever corrective measures that have to be subsequently effected.

No proof has been presented that the Government incurred any damage as a result of the prosecution and completion of the Ninoy Aquino By-Way. Note should be taken that after the completion of the project, the same was formally turned over by the contractor to the National Government, through the Department of Public Works and Highways. Quite interestingly, notwithstanding their knowledge of the pendency of the case against respondent Pendoza and their assertions that there were anomalies in the implementation of the Ninoy Aquino By-Way Project, the complainant of record and the DPWH Fact-Finding Committee did not initiate any action to prevent the turnover of the project to the DPWH. This raises the presumption that the project was properly and regularly prosecuted.

Verily, had the Ninoy Aquino By-Way been defective or had the Government incurred damages as a result of the alleged irregularities attendant to the construction of the project, the DPWH would have valid reasons to refuse acceptance of the project, to disallow payments to the contractor and to require the contractor to replace or remedy the defective portions and it could have resorted to other available remedies to protect the interests of the Government. Clearly, the DPWH saw no need for such measures. It can be said that the interest of the Government had been safeguarded, absent any evidence to show that it was in any manner prejudiced.

In administrative cases, there must exist moral persuasion of guilt. Such moral persuasion proceeds from the preponderance of evidence presented to substantiate the charges. Should such charges be without basis in evidence having rational probative value, then the charges must fail and the public servant indicted for such charges must be cleared from liability therefrom. In the case at bar, the foregoing discussion discloses the lack of substantive evidence to support the charges and to sustain any conclusion that respondent Pendoza should be held accountable for the acts imputed to him.

ACCORDINGLY, Regional Director Jose C Pendoza of the Department of Public Works and Highway is hereby EXONERATED of the charges filed against him subject hereof.

DONE in the City of Manila, this 2nd day of June, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 287
IMPOSING THE PENALTY OF REPRIMAND TO CORAZON L. BELMONTE OF THE
DEPARTMENT OF FOREIGN AFFAIRS

This pertains to the administrative case filed by the Department of Foreign Affairs, hereinafter the “Department”, against Ms. Corazon L. Belmonte for misconduct and conduct prejudicial to the best interest of the service.

Investigation shows that respondent caused the circulation, which eventually led to the publication, of a note, dated 2 May 1990, from Executive Secretary Catalino Macaraig addressed to Secretary Raul S. Manglapus recommending the promotion of Ms. Cynthia Lim-Montoya, allegedly the daughter of General Alfredo Lim causing serious embarrassment to the Department.

Respondent admitted having photocopied and circulated the note among foreign service officers of the Department. She, however, justified her actuation and declared that she was motivated only by her desire to bring to the attention of the officers concerned the possible violation of the Foreign Service Law and Civil Service Law in connection with the promotion of Ms. Lim-Montoya.

Respondent’s justification for her acts is not well-taken. If, indeed, her only motivation for the circulation of the note was to prevent possible violation of Civil Service laws on account of the promotion of Ms. Montoya, she should have, rather than distribute copies of the note, referred the matter to, or called the attention in a confidential and discreet manner of senior officials of the Department.

Wherefore, in view of the foregoing, Ms. Corazon L. Belmonte is hereby found guilty of the charges. Considering, however, that this is the first offense on record of respondent coupled by her good intention of improving the service, the penalty of REPRIMAND is hereby imposed on respondent.

DONE in the City of Manila, this 2nd of June, in the year of Our Lord nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 288
EXONERATING CORAZON L. BELMONTE OF THE DEPARTMENT OF FOREIGN AFFAIRS

This pertains to the administrative case filed by the Department of Foreign Affairs, hereinafter the “Department”, against Ms. Corazon L. Belmonte for dishonesty, inefficiency, incompetence in the performance of official duty, and conduct prejudicial to the best interest of the service.

The charges stem from two misfeasance allegedly committed by respondent in 1987: (1) issuance of a Category 9 (E-2) visa to a Russian correspondent on 18 September 1987; (2) issuing of false statement in connection with a car accident on 1 January 1987.

Anent the first misfeasance, after a painstaking perusal of the records and evidence submitted, we find it difficult to believe respondent as responsible for the issuance of a diplomatic (E-2) visa to a Russian correspondent, a certain Alexander Ivanovich Kisselev connected with Tass agency. Firstly, records disclosed that at the time the purported visa was issued by the Philippine Embassy in Moscow to Mr. Kisselev, respondent was in the Home Office. Secondly, a careful review of the communications exchanged between the Philippine Embassy in Moscow and the Home Office relative to the visa of Mr. Kisselev reveals that the issuance of the visa was made upon authority from the Home Office. Telex No. Mo-3587-S dated 14 September 1987 reads:

“x x x EMBASSY AUTHORIZED TO ISSUE APPROPRIATE
VISAS TO A.I. KISSELEV AND FAMILY. END x x x x
MANUEL T. YAN
Undersecretary of Foreign Affairs”

And lastly, on the claim that the visa issued to Mr. Kisselev was not the proper visa, there was no competent evidence submitted showing that the visa issued to Mr. Kisselev was improper. It should be noted that in the Soviet Union, privately owned mass media was inexistent at the time the visa was issued. Tass agency is the official Soviet news agency and is regarded as a vital organ of the Soviet Union and an important component of the government. Thus, its correspondent, for all intents and purposes, could very well be classified as a “diplomat” equivalent to an information attache. Moreover, since prior to 1987 Mr. Kisselev had previously, i.e. in 1982 and 1985, been issued a category 9 (E-2) visa, it would not be inappropriate then, i.e. 1987, to issue him the same type of visa.

On the second alleged misfeasance by respondent, the pertinent facts are undisputed.

On 31 December 1986, the Philippine Embassy in Moscow hosted a party for the Filipino community to usher in the New Year. After the party, Mr. Alejandro Liwanag, an employee of the Department assigned at the Moscow Embassy, was instructed to bring home some of the Filipino student-guests. While in the performance of such task, Mr. Liwanag figured in a vehicular accident and sustained injuries which required hospitalization and treatment. Thereafter, Mr. Liwanag claimed reimbursement of expenses incurred for hospitalization and other medical expenses, submitting as part of the documentary requirements the medical certificate issued by a Soviet physician in the hospital where he was admitted. In addition, Mr. Liwanag also submitted a certification issued by respondent Belmonte attesting to the fact that Mr. Liwanag was in the performance of official duties at the time the

vehicular accident occurred. Respondent is now being charged with issuing false statements as a result of said certification issued in favor of Mr. Liwanag.

The allegation that respondent made a false statement in connection with the certification issued to Mr. Liwanag was not properly established by competent evidence. On the contrary, the Office of Fiscal Management Services of the Department, in approving the claim for reimbursement of Mr. Liwanag, accepted the veracity of the certification issued by respondent. To date, the approval of the claim remains uncontested.

In view of the foregoing, respondent Corazon L. Belmonte is hereby EXONERATED from the instant charges.

DONE in the City of Manila, this 2nd day of June, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). *[Administrative Order Nos.: 151 - 289]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 289
SUSPENDING SUPERINTENDENT LEONORA O. BASALO OF THE DIVISION OF
DUMAGUETE CITY FOR ONE (1) YEAR

This refers to the motu proprio administrative complaint, dated June 18, 1991, filed by the Secretary of Education, Culture and Sports against Superintendent Leonora O. Basalo for grave misconduct and conduct prejudicial to the best interest of the service, allegedly committed as follows:

“That on or around February 22, 1991, R and E Manufacturing delivered 1,200 pcs. of elementary school desks worth ₱435,000.00 to the Division of Dumaguete City, in accordance with the Requisition and Issue Voucher Unnumbered dated December 28, 1990, and despite noticeable defects in quality standards of the desks delivered, which defects were confirmed by a COA Inspection Report, you still accepted the same and effected payment thereof, to the damage and prejudice of the government.”

Antecedent facts show that Secretary Cariño constituted a committee composed of Attys. Marcelo M. Bacalso, Nuevas T. Montes and Generoso Capuyan to conduct a formal hearing on the complaint and submit their findings and recommendations thereon.

In her answer to the complaint, dated September 16, 1991, Supt. Basalo alleged among others that:

“1. The subject desks were accepted and subsequently paid upon the certification on Item I on the face of Voucher No. 91-201 by Supply Officer Alfredo C. Katada that he “RECEIVED SUPPLIES AND PROPERTY STATED ABOVE IN GOOD CONDITION AS PER PURCHASE ORDER AND INVOICE” which is corroborated by his certification, attached as Annex I hereof, dated February 25, 1991, and appended to the said voucher which is to the effect that he accepted each and any article delivered/service rendered by R and E Manufacturing, listed in the attached Invoice No. 7102 dated February 22, 1991 which has been inspected and was/were found to be in accordance with the specification stipulated under Order No. Unnumbered dated December 28, 1990;

2. Likewise, the said voucher is supported by the ‘Inspection Report’ dated February 25, 1991 of the Division Requisition and Awards Committee which states in its ‘FINDINGS: RECOMMENDATION’ portion that the desks were ‘Inspected checked and found correct.’ x x x”

During the formal hearing, several witnesses were for the complainant, including:

- a) Victoria Pascualado, Clerk I at the DECS Dumaguete City, who testified that in the morning of February 23, 1991, respondent supervised the

assembling of the desks in question; that on February 25, 1991 at about 1:15 P.M., upon request of respondent, she went with Felicidad Olarte, Sales Manager of R and E Manufacturing, to PNB Dumaguete City to encash the checks for payment of the 1,200 elementary school desks.

- b) Dr. Caridad C. Labe, Education Supervisor I, DECS Dumaguete city, alleged that on February 25, 1991 at about 1:00 P.M., respondent inquired whether she knew someone at PNB Dumaguete City who could vouch for her (Basalo) and Olarte, and when she said 'yes' she has an Auntie there, respondent requested her to go with them to PNB. that at PNB, they were told to stay until 1:30 P.M., to wait for the bank teller for more cash; that she was then instructed by Basalo to go to the airport to check-in their (Basalo and Olarte) tickets.
- c) Sergio T. Somido, Education Supervisor I, Dumaguete City and designated as Chairman of the Division's Pre-Qualification, Bidding, Awards Committee, testified that on February 23, 1991 (Saturday) respondent and Olarte supervised the assembling of the desks; that on February 25, 1991, he and Alfredo Katada, Supply Officer of the Division Office, inspected the desks and found that there were no plans and specifications for the desks at that time; that after the inspection, they reported to Basalo that the desks were not smooth and were not varnished, but respondent said that, the price of the desk was only ₱363.00 hence commensurate to the quality; that since the inspection was not based on any specifications, he was hesitant to sign the inspection report, but due to the assurance of Basalo that she would take full responsibility, he issued the inspection report; that at that time, respondent Basalo had already signed the voucher, check and the inspection report based on quality, usability and general appearance; that after receiving the Plans and Specifications for the desks on June 11, 1991, he submitted a reinspection report that the desks did not conform with the Plans and Specifications; that the usual procedure is for the PBAC Chairman to sign the voucher first but in this case, the respondent signed before he did.
- d) Alfredo Katada Supply Officer, Dumaguete City Division, testified that on or about February 14, 1991, prior to the delivery of the desks, respondent verbally instructed him and Ms. Carmelita Tan Pastor, Fiscal Clerk of respondent's office to prepare the voucher and all supporting papers for ₱435,600.00 (payment for the desks) "because these papers will be hand carried by Ms. Olarte, Sales Manager of R & E Manufacturing, to Cebu City for signature of the Regional Director; that on February 25, 1991, Basalo instructed him (Katada) and Ms. Tan Pastor to pay the supplier immediately because she (Basalo) was leaving for Manila on that same day; that after inspecting the desks together with Mr. Somido, he (Katada) reported the poor quality of the desks to respondent but respondent explained that "the price of each desk is only ₱363.00, so it is worth the price"; that he signed the necessary papers

because of Basalo's assurance that she would take full responsibility, and besides respondent had already signed the said papers.

On the other hand, respondent Basalo averred that, contrary to Katada and Somido's allegations, the inspection report was already signed by them (Katada and Somido) when placed on her table. She also denied that she said she will take full responsibility. Respondent also presented Carmelita Tan Pastor as witness, who testified that Basalo never had the custody of checkbooks and that the check signed by Director Gomez was cancelled because the bank did not honor Gomez's signature.

The chairman of the investigating panel found respondent guilty as charged and recommended her dismissal from the service; the two members found respondent guilty of simple misconduct and recommended 1-year suspension as penalty therefor.

In a letter of December 13, 1991, Secretary Cariño, finding respondent guilty as charged, recommended to me her dismissal from the service.

In reply to Secretary Cariño's recommendation, respondent's counsel alleged violation of due process for failure to comply with the Memorandum issued by then Executive Secretary Catalino Macaraig, dated August 17, 1990, and prayed that the recommendation of Secretary Cariño be denied, the findings of the investigating panel declared null and void and respondent be reinstated.

At the outset, it must be stressed that the findings of Secretary Cariño is only recommendatory in nature (*Cuyegkeng vs. Cruz*, 108 Phil. 1147), because the President has administrative disciplinary authority over respondent, who is a presidential appointee.

This brings to the fore the core issue of whether or not respondent is administratively liable for grave misconduct and conduct prejudicial to the service for having accepted the delivery of 1,200 pieces of elementary school desks and effected payment therefor, despite noticeable defects in their quality.

After going over the records of the case, I concur with the findings of the Department of Education, Culture and Sports (DECS), but differ as to the gravity of the offense committed and the penalty to be imposed.

It was established during the hearing that the delivery of and payment for the school desks were completed in February 1991, but the plans and specifications thereof were received only on June 11, 1991. Apparently, the recipient Division of Dumaguete City had no guidelines to use in the acceptance or non-acceptance of the desks and, for this, the DECS committed an error.

PBAC Chairman Somido and Supply Officer Katada submitted their inspection report to respondent Basalo to the effect that the desks were not smooth and unvarnished. But instead of taking guidance therefrom, respondent preferred to offer an excuse for the poor quality of the desks, that the price of ₱363.00 per unit is commensurate to its quality.

Respondent's actuations did not hew with the best interest of the service. While she showed unusual concern for the immediate payment of the desks, coinciding as it were with her flight to Manila and that of the Sales Manager of R and E Manufacturing, she casually brushed aside the finding of her technical men about the poor quality of the desks.

Prudence dictates that respondent should have reported to the DECS about the poor quality of the desks before ever accepting their delivery, much less paying for them. That she is fully responsible for the acceptance of and payment for the questioned delivery of school desks is beyond doubt.

Anent the claim of violation of due process for failure to follow the Memorandum of August 17, 1990, issued by then Executive Secretary Macaraig, suffice to say that said memorandum was superseded by the Memorandum of August 7, 1991, issued by Executive Secretary Franklin M. Drilon, which changed the procedure in the investigation of administrative cases against presidential appointees in the DECS.

In the instant case, respondent cannot be said to, have been denied due process. In her answer of September 16, 1991, respondent waived her right to a formal investigation, but still a formal hearing was conducted by the investigating panel wherein she participated.

Well-settled is the rule that procedural due process is simply an opportunity to be heard or as applied to administrative proceedings, an opportunity to explain one's side, or an opportunity to seek a reconsideration of the action or ruling complained of (Var-Orient Shipping Co. Inc. vs. Achacoso, No. L-81805, May 31, 1988 161 SCRA 732). Where a party was given the opportunity to be heard, either through oral arguments or pleadings, there can be no denial of procedural due process. Due process is not semper et ubique, judicial process. (Yap Say vs. Intermediate Appellate Court, No. L-73451, March 28, 1988, 159 SCRA 325.)

I however disagree with Secretary Cariño's finding that respondent is guilty of grave misconduct and conduct prejudicial to the best interest of the service with a corresponding penalty of dismissal from the service.

I consider the offense committed as simple misconduct and conduct prejudicial to the best interest of the service which deserves the penalty of suspension for one (1) year.

WHEREFORE, respondent Superintendent Leonora O. Basalo is hereby found guilty of simple misconduct and conduct prejudicial to the best interest of the service. Accordingly, she is hereby meted the penalty of suspension from office for one (1) year without pay, effective upon notice hereof.

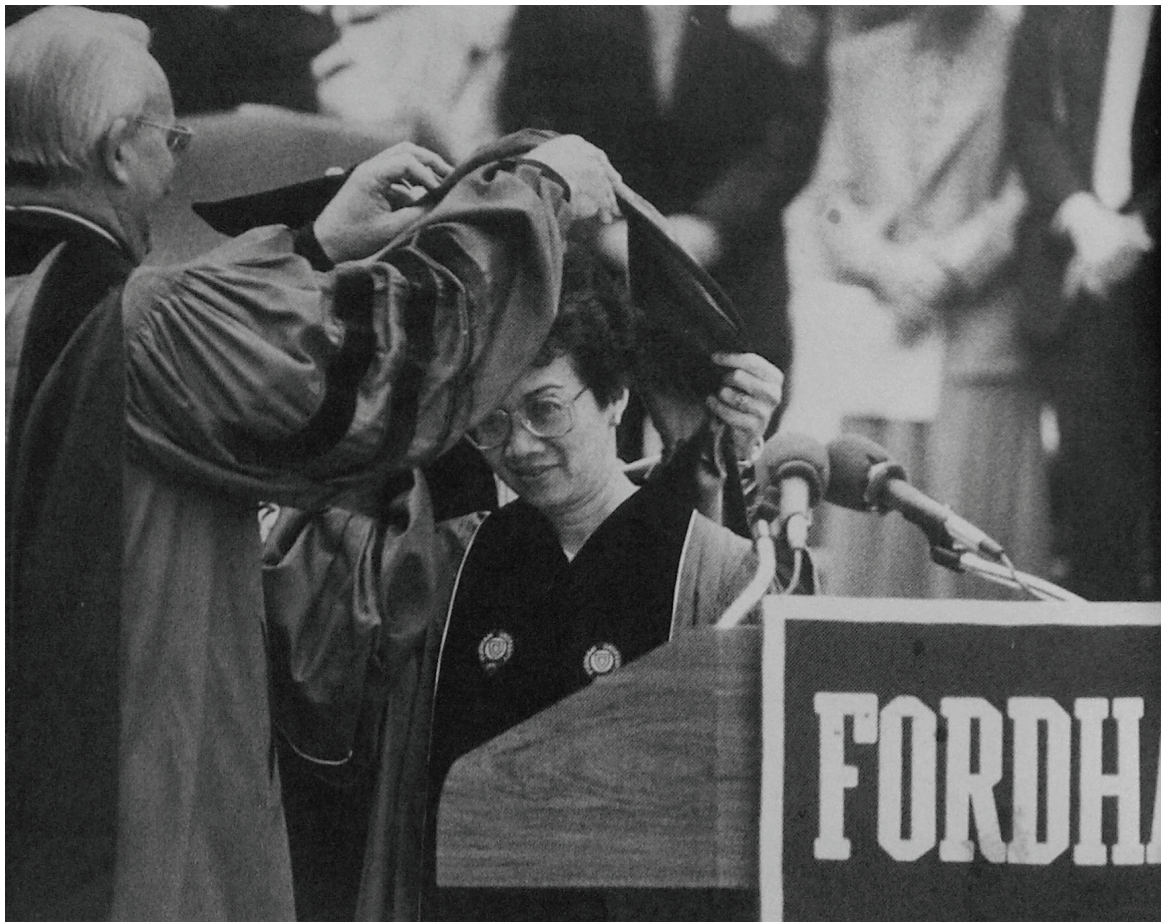
DONE in the City of Manila, this 4th day of June, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) CORAZON C. AQUINO

By the President:
(Sgd.) FRANKLIN M. DRILON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1992). [*Administrative Order Nos.: 151 - 289*]. Manila: Malacañang Records Office.



President Corazon C. Aquino, conferred the degree of Doctor of Laws,
honoris causa by Fordham University, September 21, 1986.

